

**SEWARD PENINSULA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING**

September 23, 1998

NOME MINI CONVENTION CENTER
Nome, Alaska

COUNCIL MEMBERS PRESENT:

Grace A. Cross, Chairman
Johnson P. Eningowuk, Vice Chairman
Frances A. Degnan, Secretary

Theodore Katcheak
Toby M. Anungazuk, Jr.
Elmer K. Seetot, Jr.
Peter G. Buck
Perry T. Mendenhall

Regional Coordinator:

Cliff Edenshaw

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P R O C E E D I N G S

(On record)

CHAIRMAN KATCHEAK: Good morning, may I have your attention please. My name is Theodore Katcheak or Theodore Katcheak in Yup'ik or Katcheak in English. I'm calling the meeting to order for the Seward Peninsula Regional Advisory Council at 9:20 a.m. Roll call please, Grace.

MS. CROSS: Frances Degnan.

MS. DEGNAN: Here.

MS. CROSS: Grace Cross. Here. Theodore Katcheak.

CHAIRMAN KATCHEAK: Here.

MS. CROSS: Toby M. Anungazuk, Jr.

MR. ANUNGAZUK: Here.

MS. CROSS: Elmer Seetot, Jr.

MR. SEETOT: Here.

MS. CROSS: Peter Buck.

MR. BUCK: Here.

MS. CROSS: Joe Garnie. Perry Mendenhall.

MR. MENDENHALL: Here.

MS. CROSS: Johnson Eningowuk.

MR. ENINGOWUK: Here.

MS. CROSS: Quorum.

CHAIRMAN KATCHEAK: At this time I'd like to do the invocation myself, if it's all right with the rest of the Council members. Thank you Lord for bringing us all together, safely and hopefully that we'll have a very good meeting because this is one of the important meetings that we'll be having. And I'd like to thank everybody for attending this meeting and the rest of the Council members. Thank you, Lord, for bringing us together and we pray that everyone will be returning home safely. Amen.

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1 Second, having said that I'd like to review and
2 adoption of agenda.

3
4 MR. MENDENHALL: I make a motion to adopt the agenda.

5
6 MR. ADKISSON: You may want to add somewhere in your
7 agenda to allow for discussion of the muskoxen issue in Unite
8 22(E). And that's the Federal restriction requiring some
9 hunters from Brevig Mission and Teller in western 22(D) to
10 travel over to the eastern portion of 22(E) the Bering Land
11 Bridge National Preserve to harvest muskoxen. And if you could
12 put that on the agenda, we could have more to say about it
13 later, but I think it's worth discussing and possibly
14 considering some RAC implication to remove that restriction.

15
16 CHAIRMAN KATCHEAK: Thank you, sir. Can you state your
17 name, please and your title.

18
19 MR. ADKISSON: Yes. Ken Adkisson with the National
20 Park Service.

21
22 CHAIRMAN KATCHEAK: Thank you.

23
24 MR. MENDENHALL: We could probably put it in supplement
25 to operation, that would be a good spot.

26
27 CHAIRMAN KATCHEAK: Item number? Are we talking about
28 the same thing?

29
30 MR. MENDENHALL: It would be old business because we
31 had it last meeting.

32
33 MS. CROSS: It would be 9(A) or 10(A), under Bering
34 Land Bridge report.

35
36 MR. MENDENHALL: Yes.

37
38 MS. CROSS: Under 10(A).

39
40 CHAIRMAN KATCHEAK: What was that again?

41
42 MR. MENDENHALL: 10(A). It's recommended that it go
43 under 10(A).

44
45 CHAIRMAN KATCHEAK: What's that?

46
47 MR. MENDENHALL: Muskox.

48
49 CHAIRMAN KATCHEAK: Thank you.

50

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1 MR. EDENSHAW: Mr. Chair.

2
3 CHAIRMAN KATCHEAK: Yes.

4
5 MR. EDENSHAW: Before you move on, maybe I can clarify
6 for the Council members, before you review and adopt the
7 agenda, I can just go down here and that will clarify some
8 points for some Council members. We're on number 4, review and
9 adoption of agenda. Number 5, review and adoption of minutes.
10 That's pretty much -- that's clear. Six is the election of
11 officers. Seven, open floor to public comments on the program,
12 that's on the Federal Subsistence Program and any public
13 comments from people here in town. Under eight, new business,
14 open floor to proposals to change the Federal subsistence
15 regulations. I spoke to some of you briefly about that.
16 That's under this booklet here. If you were to look under Unit
17 22 for hunting and trapping on Federal lands. That's what the
18 council members, if they so choose, on some of the species,
19 they may choose to have proposals to maybe change the seasons
20 or bag limits, and that pertains to only hunting or trapping on
21 Federal land in Unit 22. On B, Federal Subsistence Fisheries
22 Management update, Taylor Brelsford, our liaison member from
23 U.S. Fish and Wildlife. He'll give a summary on what's
24 transpired regarding fisheries. 9(C), it says the 1998 annual
25 report. This is an opportunity for the Council -- last year in
26 1997 we didn't have an annual report, the last one we had was
27 in '96. And any natural resources, subsistence concerns or
28 issue the Council may have in regards to Unit 22, this is the
29 opportunity for the Council to go on record to ask that certain
30 -- for an example, last -- the 1996 report has concerns raised
31 on ATV use on Unit 22(C). What would occur between now and the
32 winter meeting in February or March is that we -- I would
33 generate the annual report based on issues or concerns that the
34 Regional Council has for the Seward Peninsula region and that
35 would be made into a report and submitted to the Federal Board
36 -- it will be brought back to the Council for review and then
37 it would be submitted to the Federal Subsistence Board. So
38 last year in 1997, the Council didn't get it. So that's under
39 9.

40
41 CHAIRMAN KATCHEAK: I overlooked the welcome and
42 introduction. It's because I'm pretty nervous about conducting
43 this meeting. But I'll start with Cliff, please introduce
44 yourself.

45
46 MR. EDENSHAW: Thank you, Mr. Chair. And if I can, I
47 would just like to finish this and then we can go on and do the
48 introductions.

49
50 CHAIRMAN KATCHEAK: Okay, thank you.

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1 MR. EDENSHAW: So next it says report on joint
2 Board/Chair meeting. And of course our Chair was at the Board
3 meeting in May and he'll give a short report on that.
4 Secretarial action by the Regional Council charters. The
5 charters were recently signed and approved for -- the Seward
6 Peninsula Council asked for alternates and so that instituted a
7 change in your charters. And I'll discuss that when we get to
8 it. C&T task force working group, Helen Armstrong, our
9 anthropologist will give a presentation regarding c&ts. And
10 then we'll jump into number 10, agency reports, Ken Adkisson
11 back here with -- Jeff Denton is not here, he had a conflict
12 with another meeting. And then we'll move on to place and time
13 of our next meeting.

14
15 And in regards to Grace Cross when she took roll, I
16 received a call, I believe it was from Mary Olanna from Teller
17 and she'd been given the word by Joe Garnie to ask her to call
18 and say that Joe is resigning his seat on the Council. So Joe
19 Garnie is no longer serving on the Council. Daniel Olanna was
20 selected as an alternate. Daniel called me after I had been in
21 contact with him and he was unable to attend the meeting due to
22 conflict with his job presently. And Weaver Ivanoff from
23 Unalakleet had been selected as an alternate, and we received a
24 letter from him last week stating that he would not -- he
25 resigned his status as an alternate. And that's it.

26
27 But anyway, that's what I wanted to cover for the
28 Council members on the agenda here. And of course, Ken asked
29 that portion on muskox in Unit 22(E) be covered and that's
30 going to be under -- it should be moved up under agency
31 reports.

32
33 MR. MENDENHALL: Shouldn't we take some action to
34 accept the resignation of Joe Garnie, and that should be
35 somewhere on the agenda. And those that resigned last year,
36 resigned that were appointed, that needs to take action on as
37 well, I think.

38
39 MS. CROSS: Right.

40
41 CHAIRMAN KATCHEAK: Well, what part of the agenda do
42 you think that should be?

43
44 MR. MENDENHALL: Action to accept the resignation of
45 Joe Garnie and whoever resigned.

46
47 MS. CROSS: Weaver Ivanoff.

48
49 MR. EDENSHAW: Excuse me, Perry, I haven't received
50 Joe's letter yet.

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1 MR. MENDENHALL: Yeah.

2
3 MR. EDENSHAW: So until I receive it.....

4
5 MR. MENDENHALL: Until that is done.....

6
7 MR. EDENSHAW: Yeah.

8
9 MR. MENDENHALL:but the same with Weaver and
10 them, too, they sent a letter?

11
12 MR. EDENSHAW: I did -- yeah, it was a mistake on my
13 part. I didn't make an extra copy of his letter. I did
14 receive a letter from Weaver.

15
16 MR. MENDENHALL: So it was just Weaver and who else,
17 Dennis?

18
19 MS. CROSS: Joe.

20
21 MS. DEGNAN: Joe Garnie.

22
23 MR. MENDENHALL: Oh.

24
25 MR. EDENSHAW: Daniel Olanna is the other alternate but
26 Daniel was unable to come to town for the meeting because of
27 his job.

28
29 MR. MENDENHALL: So you did have it officially on
30 Weaver so that we could accept that?

31
32 MR. EDENSHAW: That's correct.

33
34 MR. MENDENHALL: I don't know where you want to put
35 that.

36
37 CHAIRMAN KATCHEAK: Could we put that on 13; is that
38 okay with you? On the.....

39
40 MR. MENDENHALL: It should be before election of
41 officers.

42
43 CHAIRMAN KATCHEAK: Okay. So it would be under five?

44
45 MR. MENDENHALL: Yeah, before six.

46
47 CHAIRMAN KATCHEAK: Okay.

48
49 MR. MENDENHALL: We accept Weaver Ivanoff's so
50 that.....

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1 CHAIRMAN KATCHEAK: So five.....

2

3 MR. MENDENHALL:action can be taken by the office
4 to look for another alternate.

5

6 CHAIRMAN KATCHEAK: We'll make 5(A) review and adopt
7 resignation, and 5(B) as Joe Garnie's.....

8

9 MS. CROSS: Weaver Ivanoff or.....

10

11 MR. MENDENHALL: Just Weaver's because we don't have an
12 official, something in writing from Joe.

13

14 CHAIRMAN KATCHEAK: Can we please introduce ourselves,
15 we'll start from Cliff Edenshaw and around the table.

16

17 MR. MENDENHALL: But if we follow our by-laws, he
18 hasn't been to three meetings or what?

19

20 MR. EDENSHAW: That's correct.

21

22 MR. MENDENHALL: We could also take action on that for
23 coming to three meetings?

24

25 CHAIRMAN KATCHEAK: Weaver and Joe Garnie?

26

27 MR. MENDENHALL: No, no, Joe Garnie. Because he hasn't
28 made three meetings.

29

30 CHAIRMAN KATCHEAK: Putting it under.....

31

32 MR. MENDENHALL: Right. Then that would be asking for
33 his resignation that a replacement be made for him.

34

35 CHAIRMAN KATCHEAK: So we'll make.....

36

37 MR. MENDENHALL: So we have our.....

38

39 CHAIRMAN KATCHEAK:that 5(A), 5(B) and 5(C).

40

41 MR. MENDENHALL: Right.

42

43 MR. EDENSHAW: Excuse me, Perry, in regards to Joe's
44 resignation; initially when the charters were signed off this
45 year, the Council requested alternates and in lieu of Joe's
46 resignation until we get his letter, Daniel Olanna -- he wasn't
47 able to attend this meeting. And after -- in January when we
48 start our nominations process and so in regards to Joe Garnie
49 -- his seat, which will become vacant because I've sent him a
50 letter -- you know, Mary Olanna called me and spoke on the

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1 phone briefly about Joe's desire not to serve on the Council
2 anymore. So what I did was I drafted a letter on behalf of Joe
3 and I sent it back to him, and so until -- I hope I get that
4 sometime before the close of business this week or next week.
5 But it was mailed to his mailing address. So in January, those
6 -- the nominations will open up. And in regards to Joe's
7 situation, his seat -- Weaver Ivanoff, who is officially -- you
8 know, because I received a letter, chooses -- chose not to be
9 considered as an alternate, those will be taken up in January
10 along with.....

11
12 MS. CROSS: The other vacant seats.

13
14 MR. EDENSHAW: Grace, your chair will be up for
15 reappointment this year.

16
17 CHAIRMAN KATCHEAK: Once again, can you please
18 introduce yourself?

19
20 MR. EDENSHAW: Thank you. My name is Cliff Edenshaw.
21 I'm the Coordinator for the Seward Penn Region. And I'll go
22 ahead and defer the rest of the introductions to Sandy.

23
24 CHAIRMAN KATCHEAK: Sure. I'll go around the table
25 first before Sandy.

26
27 MR. EDENSHAW: Okay.

28
29 CHAIRMAN KATCHEAK: Helen or.....

30
31 MS. DEWHURST: Donna.

32
33 CHAIRMAN KATCHEAK:Donna.

34
35 MS. DEWHURST: Donna Dewhurst with Fish and Wildlife
36 Service Subsistence Team. I'm the wildlife biologist on the
37 team.

38
39 MS. H. ARMSTRONG: I'm Helen Armstrong with the Team
40 with Donna and Cliff. I'm the cultural anthropologist for this
41 region.

42
43 MR. ENINGOWUK: Johnson Eningowuk from Shishmaref.

44
45 MR. MENDENHALL: Perry Mendenhall, Nome.

46
47 MS. CROSS: Grace Cross, Nome.

48
49 CHAIRMAN KATCHEAK: Theodore Katcheak from Stebbins.

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1 MS. DEGNAN: Frances Degnan from Unalakleet.

2
3 MR. SEETOT: Elmer Seetot, Jr., Brevig Mission.

4
5 MR. BUCK: Peter Buck, White Mountain.

6
7 MR. ANUNGAZUK: Toby Anungazuk, Jr., from Wales.

8
9 CHAIRMAN KATCHEAK: At this time I'd like to welcome
10 the new members. Frances Degnan from Unalakleet. Toby
11 Anungazuk, Jr., of Wales. Johnson Eningowuk, I don't remember
12 introducing you -- or welcoming you to the Council last year,
13 so we just kind of delayed it.

14
15 I'll turn the introduction over to Sandy for the
16 introductions. Sandy.

17
18 MR. RABINOWITCH: I'm Sandy Rabinowitch with the
19 National Park Service and I'm nervous, too, because I've been
20 asked to do the introductions. I work with the National Park
21 Service and I serve on the Staff Committee to the Federal
22 Subsistence Board. I don't know if I can do quite everybody in
23 the room but I'll try.

24
25 Ida Hildebrand. Ida is with BIA and she serves in the
26 same capacity on the Staff Committee that I serve for the BIA.

27
28 I don't know everybody, let's see how close we can get.
29 And Susan Georgette with Fish and Game, now, in Kotzebue.
30 Taylor Brelsford with Fish and Wildlife Service, which most of
31 you already know. He's in charge of a whole bunch of stuff.
32 Going one row back, Paul Hunter with the Park Service. Paul
33 Hunter works with me and coordinate for the Park Service
34 proposals that you will consider during the year. I recognize
35 the gentleman, but I don't remember his name, I apologize, with
36 the grey mustache.

37
38 MR. MESSENGER: My name is Norm Messenger. I'm with
39 the Bureau of Land Management.

40
41 MR. RABINOWITCH: Okay, thank you.

42
43 MR. MESSENGER: I've been assigned to the Nome field
44 station and it appears that I'm here instead of Jeff Denton.

45
46 MR. RABINOWITCH: Carl Jack with Rural Cap.

47
48 MR. JACK: Yes.

49
50 MR. RABINOWITCH: Kate Persons with Fish and Game. You

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1 all know Jake. Jake Olanna. Fred Tocktoo with Park Service.
2 And Ken Adkisson, Park Service. And this gentleman, I don't
3 know you're name.

4
5 MR. MILLER: My name is Andrew Miller. I'm a tribal
6 council member for Nome Eskimo Community.

7
8 CHAIRMAN KATCHEAK: Thank you, Sandy. We'll go on down
9 our agenda and I'll entertain a motion to adopt the agenda with
10 revisions or additions.

11
12 MS. DEGNAN: I so move, Mr. Chairman.

13
14 CHAIRMAN KATCHEAK: Motion made by Fran Degnan.

15
16 MR. BUCK: Second.

17
18 CHAIRMAN KATCHEAK: Seconded by Peter Buck. All in
19 favor say aye.

20
21 IN UNISON: Aye.

22
23 CHAIRMAN KATCHEAK: Those opposed, no.

24
25 (No opposing votes)

26
27 CHAIRMAN KATCHEAK: Motion passed. Madame Secretary
28 could you read the minutes of our last meeting?

29
30 MS. CROSS: Do you want me to read them in?

31
32 CHAIRMAN KATCHEAK: Yes.

33
34 MS. CROSS: Seward Peninsula Subsistence Regional
35 Council Meeting at Hampton Inn, Anchorage, Alaska, March 17,
36 1998. Call to order. The meeting was called to order at 9:39
37 a.m., at the Hampton Inn. Invocation: Vice Chair, Ted
38 Katcheak asked elder Councilman Fred Katchatag to start the
39 meeting with an invocation. Roll call: Present: Grace Cross,
40 Perry Mendenhall, Peter Buck, teleconference, weathered out,
41 Fred Katchatag, Sr., Ted Katcheak, Johnson Eningowuk. Excused:
42 Sheldon Katchatag, Elmer Seetot (weathered in), Joe Garnie
43 (Iditarod). Election of officers. Ted Katcheak and Johnson
44 Eningowuk were nominated for Chair. The vote was tied through
45 two votes. Johnson declined his nomination thus making Ted
46 Katcheak Chair. Vice-Chair: Fred nominated Perry Mendenhall
47 for Vice-Chair. Johnson moved to close nominations and asked
48 for unanimous consent. Seconded by Fred. Motion passed.
49 Secretary: Peter Buck nominated Grace Cross as Secretary.
50 Seconded by Fred. No other nominations. The motion passed

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1 unanimously.

2

3 Review and adoption of agenda. The revised agenda was
4 reviewed and adopted.

5

6 Review and adoption of the minutes. The minutes of
7 October 15 and 16, 1997, were approved and as amended with a
8 correction to Fred Tocktoo's name.

9

10 Peter Buck asked about the last meeting and Sheldon
11 Katchatag's resignation. Sheldon's letter of resignation was
12 read into the record at Unalakleet. Cliff will get a copy of
13 the letter during lunch and send a copy to Peter Buck.
14 Sheldon's resignation letter will be forwarded to the Federal
15 Subsistence Board.

16

17 Open floor to public comments on the Federal
18 Subsistence Management Program. The floor was opened to public
19 comments.

20

21 Draft proposed rule. This item was discussed at
22 Unalakleet. For the benefit of those who were not at the
23 Unalakleet meeting, a brief summary was provided by Taylor
24 Brelsford. Taylor passed out a summary of this issue. The
25 lands affected in Unite 22 are the upper portion of the
26 Unalakleet River which is classified as a wild and scenic
27 river, Bering Land Bridge National Park and the Yukon-Kuskokwim
28 Delta Refuge in the southern portion of Unit 22 by Stebbins and
29 St. Michael. Management of fisheries of these lands would not
30 go into effect until December 1, 1998, when the final rule
31 would be implemented unless the State can find a solution to
32 this problem.

33

34 Comments. Perry noted that the State's regulations
35 have changed from the regulations we have proposed in the draft
36 of the proposed rule. Taylor noted that revisions to the
37 proposed rule will be made after the public comment is
38 submitted. The Federal fisheries management regulations can be
39 updated at that time.

40

41 Grace asked at what point in time will they be able to
42 look at the changes in regulations that the State is imposing
43 that would reflect what is happening in the Seward Peninsula.
44 Tom Boyd responded that you will see a reconciliation between
45 the final rule and the existing State regulations at the time
46 when our proposed rule becomes a final rule. The Council will
47 have the opportunity to make changes to the fisheries
48 regulations in the fall of 1999 when a call for changes to the
49 regulations is made.

50

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1 Lunch break.

2

3 Agency reports. Seward Peninsula Muskox Cooperators
4 Meeting held in Nome. Ken Adkisson - requesting Council
5 recommendation for upcoming State Game Board Meeting 1997/98
6 muskox hunt results, 23 permits issued. None were filled
7 (Buckland filled 0/3, Deering 0/3, Shishmaref 5/6, Wales 0/3,
8 Brevi Mission 1/4, Teller 3/4), emphasizes problems with
9 Federal hunt and the distances they have to travel.

10

11 Cooperator's Meeting in January 1998. The meeting was
12 very well attended. The table in the handout summarizes the
13 outcome of the meeting. First option: Federal hunt. Second
14 option: State hunt. Third option: Federal hunt with a State
15 managed Tier II hunt.

16

17 There were strong minority opinions. By and large the
18 people at the meeting wanted to see muskox numbers increased
19 with higher numbers and increased range. They want to see a
20 harvest rate of three to five percent. Initially people in
21 Buckland and Deering wanted to see the harvest lower. Overall
22 a hunt managed by subunit, although some wanted it to be
23 managed by unit. The subunit management is seen as a better
24 way to manage. The harvestable surplus is currently set at
25 three percent, but there is recognition that the percentage of
26 harvest level could be increased. People in the villages have a
27 really hard time identifying a subsistence need level, but this
28 is due to not having a historical level to draw from. The
29 other question is how to divide up State and Federal
30 allocations. There was some discussion about the season, but
31 mostly agreed to the season just acted on extending the harvest
32 to March 15. There was some discussion on somewhere down the
33 line to have a cow hunt.

34

35 Fred K. said he had heard that the reason people around
36 the region don't want muskox is because muskox eat the berries,
37 the roots and all and a lot of people eat berries. Ken said
38 that one thing they have asked is do you think there are too
39 many muskoxen or too many muskoxen to close to home? The
40 response was that there are too many muskoxen close to home.
41 The problem is that right now the muskox close to home are not
42 on Federal land, thus cannot be taken. The ADF&G and the NPS
43 set up a series of teleconferences with those villages that
44 were unable to attend the meeting. Teller audio conference
45 initially supported only a Federal only hunt, with five percent
46 harvest. Later they decided to support a State hunt. At the
47 end of the meetings, most of the villages supported a mixed
48 hunt split between a Federal and State hunt. The villages
49 decided finally that as for need, one muskox for every four
50 households is adequate. The level of the identified need is

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1 larger than the available harvest. Once your need is above the
2 available harvest, there has to be a Tier II hunt if you have a
3 State hunt. Buckland and Deering want a different approach,
4 they want 75 percent of the permits to go to the Federal hunt
5 and 25 percent to a State hunt. all of the other village want
6 to see the hunt split. All of the villages what higher harvest
7 levels and a simple hunt. All villages wanted a higher
8 percentage of the hunt, four to six percent of the population.
9 There are no villages that supported a Federal only hunt.

10
11 Ken recommended that this Council formulate a
12 resolution that could be sent to the State BOG. There are
13 sample letters from Teller in the packet.

14
15 Motion. Perry made a motion that the Seward Peninsula
16 support Unit 23 villages, Buckland and Deering, in what they
17 have decided, i.e., a mixed Federal and State hunt, with
18 management on a subunit basis. The motion was seconded by
19 Grace. There was some discussion regarding whether or not
20 there should be separate motions for Unit 23 and Unit 22.
21 Perry felt that he wanted to have a different motion for each
22 area, to show strong support for Unit 23. Perry withdrew his
23 motion.

24
25 Motion. Perry made a new motion that the Seward
26 Peninsula Regional Council make a strong resolution to support
27 a Federal and State hunt with a five percent harvest. Peter
28 Buck seconded the motion. The motion was passed unanimously.

29
30 Discussion. Fred asked some questions about the
31 Cooperator's Group, how it was formed, who paid for it. There
32 was some additional discussion from Ken regarding the five
33 percent harvest. He didn't feel that six percent would fly
34 with the BOG. He also felt it might be a bit too high.
35 Johnson added that Shishmaref chose a harvest rate of sic
36 percent because the population is continuing to grow rapidly
37 and they believe it will grow at six percent in their area.
38 They seem to be quite healthy and have no predators. Ken
39 responded that while he doesn't disagree with Johnson, that
40 they don't have enough information to support a six percent
41 harvest. His feeling is to take it slower and then up the
42 harvest level next year if the population continues to grow.

43
44 Ken thought it would be appropriate for one of the
45 Regional Council members to attend the BOG meeting on the 23rd
46 of March to present this resolution. Ted entertained a motion
47 to send someone to the BOG meeting in Fairbanks.

48
49 There was discussion about what the Council wants to
50 see in the resolution. We'll draft the resolution during a

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1 break.

2

3 Perry made a motion to support Deering and Buckland to
4 have a 75 percent Federal and a 25 percent State muskox hunt at
5 five percent harvest. The motion was seconded by Johnson. The
6 motion passed.

7

8 Perry made a motion to have a Federal and State muskox
9 hunt at a five percent harvest in Unit 22(D) and (E). The
10 motion was seconded by Fred. Subsistence needs have not been
11 met under the current system. The motion was passed.

12

13 Resolution. Whereas the present muskox subsistence
14 hunt is not meeting the subsistence needs of the Seward
15 Peninsula region;

16

17 Whereas the Seward Peninsula Muskox Cooperators have
18 met extensively from October 1997 to March 1998 to seek a joint
19 Federal and State muskox harvest;

20

21 Whereas the Federal subsistence rate of three percent
22 has not met the subsistence needs of the villages and the
23 Muskox Cooperators determined the joint rate of a five percent
24 harvest of the muskox population should be established;

25

26 Whereas Unit 23 villages, Deering and Buckland, met
27 jointly in March 1998 and determined that they want a 75
28 percent Federal and a 25 percent State muskox hunt;

29

30 Whereas Unit 22(D) and (E) desire a 50/50 percent State
31 and Federal muskox hunt;

32

33 Whereas the Seward Peninsula Regional Council met March
34 17th, 1998 in Anchorage to review all resolutions and proposals
35 to be submitted for recommendations to be made to the State
36 Board of Game;

37

38 Now therefore, be it resolved that the Seward Peninsula
39 Regional Advisory Council recommends to the State Board of Game
40 that Unit 23 have a hunt of 75 percent Federal and 25 percent
41 State muskox hunt of five percent of the muskox population in
42 that area;

43

44 And be it further resolved that in Unit 22(D) and (E)
45 share a 50/50 percent State and Federal muskox hunt of five
46 percent of the muskox population in Unit 22(D) and (E)>

47

48 Now therefore, be it further resolved that if the
49 1998/99 hunt is not satisfactory and does not add to the
50 subsistence opportunity for the six villages, the Seward

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1 Peninsula Regional Advisory Council will request the Federal
2 Subsistence Board to restore the Federal hunt to its
3 preexisting level of three percent of the animals within the
4 subunit.

5
6 Perry will take this resolution to Fairbanks to the
7 Board of Game on March 23rd.

8
9 FWS Migratory Birds. Migratory Bird Treaty Act is
10 being ratified and approved by Congress. The next step will be
11 to write the regulations to make the harvest legal.

12
13 Steel shot. The steel shot restriction for taking
14 migratory birds will be enforced now, the enforcement is a
15 ticket. The law has been in effect for a number of years, but
16 not been enforced until this year to give people a chance to
17 get rid of their lead shot and get used to using steel shot.

18
19 BLM. Jeff Denton was in Unalakleet, but was unable to
20 come today. He has sent a letter which has been distributed to
21 the Council.

22
23 Regional Council Charters. The Regional Council
24 charters are up for review. cliff reviewed the Seward
25 Peninsula Regional Council charter. The Council recommended a
26 change to nine members and two alternates.

27
28 ADF&G Coordination. ADF&G and the Federal Subsistence
29 Program have been working together to improve better
30 communications. One of the suggestions of this working group
31 has been to allow ADF&G to sit in on our Staff Committee
32 meetings to provide technical expertise. These meetings to
33 this point have been very closed meetings to date. The Council
34 didn't really have any problem with it. Grace mentioned that
35 she supports additional technical assistance from ADF&G,
36 especially with fisheries.

37
38 Application of Family in Federal Subsistence
39 Regulations. Issue paper drafted, overview and history
40 presented. The issue is complicated and unclear as to how
41 family is applied in ANILCA, in regard to interpreting and
42 applying the definition. In addition, legislative history
43 varied somewhat from ANILCA, especially when it came to taking
44 and who gets to do the hunting. One thing that is clear is
45 that this would only apply to rural Alaska residents visiting
46 other rural Alaska residents. Perry mentioned how they have
47 many shareholders that live outside the region and come back
48 annually to fish and hunt from local Native corporation camps
49 and lands, also bringing up the family issue. Nome is also
50 dealing with fishing by proxy for elders living in Nome. Helen

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1 clarified that this issue will go to the FSB in May with the
2 results uncertain at this time.

3
4 Unexcused absences. Grace asked how many unexcused
5 absences Joe Garnie has had. Cliff said it is up to the
6 Council to recommend removing a member. The Council asked
7 Cliff to send a letter to Joe to ask if he is interested in
8 continuing being on the Council, if he continues to skip
9 meetings, then they would like him to resign.

10
11 Nominations update. Cliff gave a short presentation
12 regarding the open period for nominations. There have been
13 seven applicants submitted to the Office of Subsistence
14 Management for seats that will become open.

15
16 Next meeting date. The next meeting will be in Nome
17 September 25th and 26th, Friday and Saturday. The meeting was
18 adjourned at 4:50 p.m. Prepared and submitted by Cliff Aaron
19 Edenshaw, Regional Coordinator and Designated Federal Official
20 duly adopted at a public meeting of the Seward Peninsula
21 Subsistence Regional Advisory Council at Nome, Alaska,
22 September 25, 1998. Attested By: Grace Cross.

23
24 Thanks, Mr. Chair.

25
26 CHAIRMAN KATCHEAK: Thank you, Madame Secretary. Is
27 there question or comment?

28
29 MS. DEGNAN: I just have a comment as a new member.
30 For my own assistance, I'd just request that when people are
31 named in the minutes, that their full name be used. It would
32 be easier for me because I have to run back and look until I
33 get used to everybody's names. But I think it would just be
34 helpful to have full names used.

35
36 CHAIRMAN KATCHEAK: Thank you, Fran.

37
38 MR. MENDENHALL: Question on the motion.

39
40 CHAIRMAN KATCHEAK: Question has been called to.....

41
42 MR. MENDENHALL: With your recommendation as corrected.

43
44 CHAIRMAN KATCHEAK: Question's been called -- motion
45 has been made by Perry.

46
47 MR. MENDENHALL: It was made earlier.

48
49 CHAIRMAN KATCHEAK: All in favor say aye.

50

0017

1 IN UNISON: Aye.

2

3 CHAIRMAN KATCHEAK: Those opposed no.

4

5 (No opposing votes)

6

7 CHAIRMAN KATCHEAK: This is referring to minutes as
8 corrected -- with correction.

9

10 For those that were not at the meeting -- abstain from
11 the vote would mean voting no for the minutes, as I understand
12 it or.....

13

14 MR. MENDENHALL: It's just a courtesy just to vote on
15 the passing of the minutes so they become legal.

16

17 CHAIRMAN KATCHEAK: Okay.

18

19 MR. MENDENHALL: And then it's a binding document after
20 it's been passed. Because we made some regulation in there.

21

22 CHAIRMAN KATCHEAK: Thank you Perry.

23

24 MR. BUCK: I make a motion to adopt the.....

25

26 MR. MENDENHALL: We'll accept the resignation of
27 Weaver, that's where we are right now.

28

29 CHAIRMAN KATCHEAK: There was a motion earlier to
30 accept the -- you said that earlier?

31

32 MR. MENDENHALL: I did that with one motion with her
33 recommendation already.

34

35 CHAIRMAN KATCHEAK: Okay.

36

37 MR. BUCK: And then I second.

38

39 MR. MENDENHALL: Before the minutes were read there was
40 already a motion made.

41

42 CHAIRMAN KATCHEAK: Who is keeping the minutes?

43

44 MS. H. ARMSTRONG: I am.

45

46 CHAIRMAN KATCHEAK: Madame Recorder.

47

48 MS. H. ARMSTRONG: I'm taking notes.

49

50 CHAIRMAN KATCHEAK: Oh, sorry, Helen, you're taking the

0018

1 minutes. Thank you.

2

3 MR. MENDENHALL: Was there a motion made to accept the
4 minutes? That's what the question is that he's asking; who
5 made the motion?

6

7 COURT REPORTER: There was no motion made.

8

9 MS. CROSS: There was no motion. To my understanding
10 there was a motion to accept the agenda but not the minutes.

11

12 COURT REPORTER: That's right.

13

14 MR. BUCK: Then I make a motion to accept the minutes
15 of March 17.

16

17 CHAIRMAN KATCHEAK: There's a motion been made by Peter
18 Buck to accept the minutes of the March 17, '98 meeting. Do I
19 hear a second.

20

21 MR. MENDENHALL: Second.

22

23 CHAIRMAN KATCHEAK: Second by Perry Mendenhall. All in
24 favor say aye.

25

26 IN UNISON: Aye.

27

28 CHAIRMAN KATCHEAK: Opposed no.

29

30 (No opposing votes)

31

32 CHAIRMAN KATCHEAK: Motion passed. The next item
33 is.....

34

35 MR. MENDENHALL: I make a motion to accept the
36 resignation of Weaver Ivanoff.

37

38 CHAIRMAN KATCHEAK: Motion by Perry Mendenhall to
39 accept Weaver Ivanoff's resignation as alternate for Fran
40 Degnan.

41

42 MS. CROSS: Second.

43

44 CHAIRMAN KATCHEAK: Seconded by Grace Cross. All in
45 favor say aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN KATCHEAK: Those opposed no.

50

0019

1 (No opposing votes)

2

3 CHAIRMAN KATCHEAK: Carried. The next item is C, Joe
4 Garnie's resignation and we'll wait for written his written
5 resignation before act on his resignation.

6

7 MR. SEETOT: Mr. Chair.

8

9 CHAIRMAN KATCHEAK: Yes.

10

11 MR. SEETOT: Was it stated in the charter that if you
12 miss three unexcused meetings that your resignation would be
13 asked for.....

14

15 MR. MENDENHALL: Automatically.

16

17 MR. SEETOT:automatically.

18

19 CHAIRMAN KATCHEAK: Yes, that's my understanding. And
20 it's, I guess, general practices of most organizations after
21 three consecutive meetings the person is usually asked to
22 resign.

23

24 MS. CROSS: Mr. Chair.

25

26 CHAIRMAN KATCHEAK: Grace.

27

28 MS. CROSS: Cliff Edenshaw, I have a question for you.
29 You did ask for his resignation, right, by letter? Joe
30 Garnie's resignation.

31

32 MR. EDENSHAW: Grace, after this March 17th meeting in
33 Anchorage I did draft a letter and I faxed a copy to Ted for
34 his review and signature. And in the letter I asked Joe if he
35 wished to continue serving on the Regional Advisory Council in
36 lieu of his absences as the Council had brought up. I also
37 asked if he chose not to continue serving on the Council that
38 he consider resigning or else the Council may take action and
39 ask that he be removed. So that's what I stated in the letter.

40

41 MS. CROSS: And you got verbal.....

42

43 MR. EDENSHAW: Just last week I received a call from
44 Mary up in Teller and she said that Joe asked her to call the
45 office and state that he is no longer interested in serving on
46 the Council.

47

48 MR. MENDENHALL: Elmer's kind of invoking the three
49 absences. That's what I thought you were doing Elmer.

50

0020

1 MR. SEETOT: Was that stated in the charter of the
2 Seward Peninsula Regional Advisory Council, about the duties of
3 the Council members? Because I don't have a copy of the
4 charter in the packet.

5
6 MS. DEGNAN: I have one here.

7
8 MR. SEETOT: Okay.

9
10 MR. EDENSHAW: Mr. Chairman, inside the Seward Penn
11 Regional -- the charter states, on the removal of members. If
12 a Council member appointed under paragraph nine misses two
13 consecutive regular scheduled meetings, the Chair of the
14 Federal Subsistence Board may recommend that the Secretary of
15 the Interior with the concurrence of the Secretary of
16 Agriculture remove that individual. So that's the language
17 that's stated inside your charter.

18
19 MR. MENDENHALL: And Elmer, you were asking to invoke
20 that?

21
22 MR. SEETOT: Just for clarification for maybe the new
23 members on the removal -- or asking for the resignation of
24 Board members here that do not have a valid excuse.

25
26 MR. MENDENHALL: The action needs to be done to put
27 inactive members back on Board, because we have a problem
28 having a quorum, that's why we requested two alternates.

29
30 MS. CROSS: I think that we should ask that he be
31 removed instead of waiting for a resignation letter immediately
32 simply because he did miss three meetings, so the Secretary can
33 take action in replacing him by the time we have our next
34 meeting hopefully.

35
36 MR. EDENSHAW: Mr. Chairman, as you'll recall when we
37 were in Unalakleet waiting for -- my impression from the
38 Council when we met in Juneau -- I mean in Anchorage March
39 17th, was if you look at the minutes that Grace just read under
40 excused. The Council knew that Joe was racing and so my
41 message from the Council was that he was excused.

42
43 CHAIRMAN KATCHEAK: Mr. Edenshaw, what tab is that
44 under?

45
46 MR. EDENSHAW: That's under the minutes under C that
47 Grace just read.

48
49 MS. CROSS: If I remember correctly, we did not find
50 out he was racing until somebody -- he never called, he didn't

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1 let us know. Somebody mentioned that he was in Anchorage
2 getting ready for the Iditarod. It wasn't him that called and
3 advised us. In all the meetings that he has missed he has not
4 called and advised us why or asked to be excused.

5
6 MR. MENDENHALL: The October and January meeting.

7
8 MS. CROSS: And I really think that we should move and
9 ask that he be removed so a replacement can be made.

10
11 MR. MENDENHALL: Make the motion to remove him.

12
13 CHAIRMAN KATCHEAK: Hearing that, I'll entertain a
14 motion to.....

15
16 MR. MENDENHALL: To remove Joe Garnie.

17
18 CHAIRMAN KATCHEAK:remove Joe Garnie as.....

19
20 MR. MENDENHALL: And seek for a replacement.

21
22 CHAIRMAN KATCHEAK:a Council member for Seward
23 Peninsula Federal Advisory Council.

24
25 MR. MENDENHALL: And seek for a replacement
26 immediately.

27
28 CHAIRMAN KATCHEAK: And seek for a replacement
29 immediately.

30
31 MR. MENDENHALL: I so move.

32
33 CHAIRMAN KATCHEAK: Motion by Perry Mendenhall to
34 remove Joe Garnie as Council member for the Seward Peninsula
35 Advisory Council.

36
37 MS. CROSS: It would be the recommendation to remove.

38
39 CHAIRMAN KATCHEAK: Oh, I'm sorry, I'll take it back.

40 Motion to recommend to remove Joe Garnie as a Federal
41 Subsistence Advisory Council for Seward Peninsula. Motion by
42 Perry, wasn't it?

43
44 MR. MENDENHALL: Correct. And following our charter.

45
46 MS. CROSS: Second.

47
48 CHAIRMAN KATCHEAK: Second by Grace Cross. All in
49 favor say aye.

50

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1 IN UNISON: Aye.

2

3 CHAIRMAN KATCHEAK: Those opposed no.

4

5 (No opposing votes)

6

7 CHAIRMAN KATCHEAK: Taylor.

8

9 MR. BRELSFORD: Mr. Chairman, if I could offer just a
10 word of clarification, particularly for the new members. Grace
11 has pointed out that the appointments to the Regional Councils
12 are, in fact, by the Secretaries of Interior and Agriculture.
13 So your function is to make recommendations about matters of
14 attendance and problems and that sort of thing. Perry's
15 discussion emphasized the importance of having a new member to
16 serve in the vacancy that would be created by Joe's
17 resignation. And I just wanted to underline that you guys have
18 already taken the necessary action to make that happen with the
19 addition of alternates to your Regional Council. So the
20 purpose of an alternate is actually to fill in in a vacancy
21 mid-year, like this. So the effect at this point is that
22 Daniel Olanna will fill in, he'll serve in the vacant seat this
23 year up until next summer when new nominations and new
24 appointments by the Secretaries would be made. So we actually
25 kind of fixed this problem before it presented itself and it
26 will require no additional action at this point by the
27 Secretaries nor by your Council. We have a system in a place
28 that will meet this situation.

29

30 MS. DEGNAN: Mr. Chair, so my understanding from what
31 you say is that when a member on the -- a seated member on the
32 Council resigns for whatever reason, then the alternate will be
33 moved up into that slot until new nominations are requested?

34

35 MR. BRELSFORD: That's correct. It would be during the
36 current year. So next year when the 1999 appointments are
37 made, then a new permanent appointment would be made for the
38 seat.

39

40 MS. DEGNAN: Which the alternate might be -- would
41 submit for that if they were interested?

42

43 MR. BRELSFORD: Exactly. The alternate would be a
44 prime candidate.

45

46 MR. MENDENHALL: Yeah, that would.....

47

48 MS. DEGNAN: But he wouldn't be guaranteed the seat
49 until he's approved by the Secretary?

50

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1 MR. BRELSFORD: That's exactly right.

2

3 MR. MENDENHALL: Just like if there's a scheduled
4 meeting like in January and the regular member can't make it
5 then the alternate can fill in for that time. The person may
6 have a valid excuse.

7

8 MS. DEGNAN: So what we need to do is get another
9 alternate?

10

11 MR. BRELSFORD: Let me be sure and add one more message
12 to -- one more point to your earlier comment. Ida's reminding
13 me that the alternate would have to apply next year in 1999 to
14 come to a permanent appointment.

15

16 MS. DEGNAN: Because it's not a guarantee, it's just
17 filling in until the end of the year.

18

19 MR. BRELSFORD: Right. And actually because processing
20 Secretarial appointments is a very long and evolved
21 bureaucracy, our plan was not to reappointment, not to go back
22 and refill a vacancy among the alternates. If we got down to
23 no alternates then we might have to make a special arrangement,
24 but generally we're trying to keep the appointments going just
25 once each year and not try to go back to the Secretaries in the
26 middle of the year. So at this point we would not plan to take
27 action to replace Weaver as an alternate. Daniel would, at
28 this point, fill in in the vacancy with Joe's resignation.

29

30 CHAIRMAN KATCHEAK: Thank you, Taylor Brelsford. I w
31 take that as advisement. And I have a question, do we need a
32 motion to recommend to seat Daniel Olanna at this time?

33

34 MR. MENDENHALL: It's automatic.

35

36 CHAIRMAN KATCHEAK: Oh, thank you.

37

38 MR. MENDENHALL: We're just learning how to work under
39 our new regulations that we just adopted. Because we had a
40 problem with a quorum to conduct business so we had these
41 alternates. We're just learning about it ourselves.

42

43 CHAIRMAN KATCHEAK: Thank you, Perry. Next item. Mr.
44 Cliff Edenshaw, you suggested earlier that we put our election
45 of officers later or should we go ahead and vote it now?

46

47 MR. EDENSHAW: Mr. Chairman, that's clearly up to the
48 Council in terms of -- what some of the other Councils have
49 done is they've held those off so they can continue through the
50 agenda for continuity and then -- but as Perry already

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1 mentioned, they've already -- have you adopted your agenda in
2 terms of.....

3
4 MR. MENDENHALL: Yes, we have.

5
6 MR. EDENSHAW: So that's moot at this point.

7
8 MR. MENDENHALL: We're jumping all over that agenda,
9 though.

10
11 MR. EDENSHAW: Yes, so.....

12
13 CHAIRMAN KATCHEAK: What's the wish of the Council?

14
15 MR. ENINGOWUK: We have already accepted the agenda as
16 presented, so we should move forward with it and go ahead and
17 do our elections.

18
19 CHAIRMAN KATCHEAK: Thank you Mr. Johnson Eningowuk.
20 At this time I'll open the floor for nominations of Chairman.

21
22 MS. CROSS: Mr. Chair, can I say something?

23
24 CHAIRMAN KATCHEAK: Yes. Grace Cross.

25
26 MS. CROSS: If we do the election of officers now and
27 if there's a concern for continuity, maybe what we should do is
28 agree to have Ted continue this meeting and the new president
29 Chair the next meeting, if we're concerned about that.

30
31 MR. MENDENHALL: Do you have any concern about it?

32
33 MS. CROSS: Well, Cliff had a concern.

34
35 MR. MENDENHALL: So whoever was elected would then take
36 over the Chair immediately when elected.

37
38 MS. CROSS: Okay, we'll just do it that way.

39
40 CHAIRMAN KATCHEAK: I don't see any reason to hold our
41 election of officers.

42
43 MR. BUCK: Mr. Chairman, I'm just getting confused.
44 Because last time we had the election of the officers at the
45 last meeting. When it was scheduled for the last meeting or
46 this meeting -- why are we having it, you know, elections of
47 officers at two meetings?

48
49 MR. MENDENHALL: Because it's new members and we're
50 starting a new year.

0025

1 MR. BUCK: Okay.

2

3 MR. MENDENHALL: It's just right in the charter that
4 we'd have it once a year.

5

6 MR. BUCK: I didn't know that.

7

8 MS. H. ARMSTRONG: I can help with that for you. Helen
9 Armstrong. The election of officers is supposed to be in the
10 fall but it had been deferred from the fall meeting of 1997 to
11 the spring.

12

13 MR. EDENSHAW: Yes. You see, Mr. Chair, as Helen
14 stated, the election of officers in the fall were deferred
15 because Sheldon had resigned and then there wasn't a quorum
16 when we met.

17

18 MS. H. ARMSTRONG: No, he didn't resigned, he wasn't at
19 the meeting.

20

21 MR. EDENSHAW: He wasn't at the meeting.

22

23 MS. H. ARMSTRONG: He wasn't at the meeting so you
24 deferred it to the spring and then he resigned in the spring.

25

26 CHAIRMAN KATCHEAK: Well, I'd like to make a suggestion
27 that we'll go ahead with our election of officers because I'm
28 sure whoever is elected as Chair is just as capable as the next
29 person. At this time I'll go ahead and open the floor for
30 nomination of Chairman.

31

32 MR. BUCK: I nominate Ted Katcheak for Chair.

33

34 CHAIRMAN KATCHEAK: Nomination for Ted Katcheak for
35 Chair.

36

37 MS. DEGNAN: I nominate Grace Cross.

38

39 CHAIRMAN KATCHEAK: Nomination for Grace Cross for
40 Chair.

41

42 MR. MENDENHALL: Move that nominations be closed.

43

44 CHAIRMAN KATCHEAK: Motion by Perry Mendenhall to close
45 nominations.

46

47 MR. BUCK: Second.

48

49 CHAIRMAN KATCHEAK: Second by Peter Buck.

50

0026

1 MR. SEETOT: Question.

2

3 CHAIRMAN KATCHEAK: Question called by Elmer Seetot.

4 All in favor say aye.

5

6 IN UNISON: Aye.

7

8 CHAIRMAN KATCHEAK: Those opposed no.

9

10 (No opposing votes)

11

12 CHAIRMAN KATCHEAK: What's the wish of the Council, do

13 we want this to be secret ballot or by hands?

14

15 MR. MENDENHALL: Secret ballot.

16

17 MR. BUCK: Secret ballot.

18

19 CHAIRMAN KATCHEAK: Secret ballot. Can you help us Mr.

20 Edenshaw, thank you.

21

22 (Votes collected)

23

24 CHAIRMAN KATCHEAK: Mr. Edenshaw can you please count

25 the votes.

26

27 (Votes counted)

28

29 MR. EDENSHAW: Mr. Chair, it's a tie. Four votes for

30 Grace Cross and four for Ted Katcheak.

31

32 MR. MENDENHALL: We got to revote.

33

34 CHAIRMAN KATCHEAK: Shall we go ahead and revote?

35

36 MR. SEETOT: You know, a comment made by -- a statement

37 of co-chair or would that be possible? We'll be voting all

38 night and day. That would take care of the Chairman and the

39 Vice Chairman.

40

41 CHAIRMAN KATCHEAK: Yes, I kind of -- now, I -- before

42 we vote, I'd like to withdraw my name for Chair and ask

43 unanimous consent to seat Grace Cross as Chair. I'm

44 withdrawing my nomination as Chair of the Council. And the

45 reason why I said that is because I have a lot of obligations

46 and I feel that Grace could do a fair job advising, in my

47 estimation, so if it's all right with the rest of the Council

48 I'll go ahead and withdraw my nomination.

49

50 Question or comments from the Council?

0027

1 MR. SEETOT: Mr. Chair, one of my opinions in this
2 Chairmanship would be to get all the necessary comments, you
3 know, from villages that are affected in Federal land. You
4 know in 22(A), (B) and (E), that's where a majority of the
5 Federal land is and to get input from public residents, such as
6 Nome. I don't think you see very much comments or public
7 input. It shows, the Eastern portion of Norton Sound does have
8 a lot of Federal and public land -- Federal public land, and in
9 order for this Council to really know the wishes of the people,
10 you know, then every effort should be made by the Council
11 members to get input from residents that have the greatest
12 impact, especially in 22(A) and (B). And then I know that
13 whoever is in the officer capacity will do their job as best of
14 their ability and I hope that input is solicited from these
15 residents that are being really affected.

16
17 We have announcements about these meetings, you know,
18 concerning Federal regulations, yet there is hardly any public
19 input when we hold these meetings in these communities. So
20 every effort should be made by the Seward Peninsula Regional
21 Advisory Council, you know, to get input from all sources.

22
23 CHAIRMAN KATCHEAK: Thank you, Elmer. Any other
24 comments?

25
26 MR. ENINGOWUK: Mr. Chairman, in lieu of your
27 resignation, I move to accept Grave as Chairman.

28
29 MR. MENDENHALL: Second.

30
31 CHAIRMAN KATCHEAK: Motion by Johnson Eningowuk to seat
32 Grace Cross as Chair for Seward Peninsula Federal Subsistence
33 Regional Advisory Council. Second by Perry Mendenhall. All in
34 favor say aye.

35
36 IN UNISON: Aye.

37
38 CHAIRMAN KATCHEAK: Those opposed no.

39
40 (No opposing votes)

41
42 CHAIRMAN KATCHEAK: If it's all right with Grace Cross,
43 I'll go ahead and continue on on our nominations. I'll go
44 ahead and.....

45
46 MR. MENDENHALL: You take over now.

47
48 CHAIRMAN KATCHEAK: Yes, go ahead.

49
50 MR. MENDENHALL: Grace, go ahead.

0028

1 CHAIRMAN KATCHEAK: I'll turn the floor over to Grace,
2 congratulations.

3
4 CHAIRMAN CROSS: I thank you all for your vote. I will
5 now open nominations for vice chair.

6
7 MR. SEETOT: I nominate Johnson Eningowuk.

8
9 MR. MENDENHALL: I was going to do the same thing.

10
11 MS. DEGNAN: Second.

12
13 CHAIRMAN CROSS: Johnson Eningowuk. I ask for
14 unanimous consent.

15
16 MR. KATCHEAK: The nomination is for Johnson Eningowuk
17 as Vice Chair by Elmer Seetot, second by Fran Degnan. All in
18 favor say aye.

19
20 IN UNISON: Aye.

21
22 MR. KATCHEAK: Those opposed no.

23
24 (No opposing votes)

25
26 CHAIRMAN CROSS: Okay, now, I will open the nominations
27 for secretary.

28
29 MR. ENINGOWUK: I nominate Frances Degnan.

30
31 CHAIRMAN CROSS: A nomination for Frances Degnan has
32 been made.

33
34 MR. KATCHEAK: I move to close the nominations and ask
35 for unanimous consent.

36
37 MR. SEETOT: Second.

38
39 MR. BUCK: Question.

40
41 CHAIRMAN CROSS: Question has been called. All those
42 in favor signify by saying aye.

43
44 IN UNISON: Aye.

45
46 CHAIRMAN CROSS: Congratulations Frances.

47
48 MS. DEGNAN: Thank you.

49
50 CHAIRMAN CROSS: Okay. Now we will move on to our

0029

1 agenda. It looks like the Chairperson is Grace Cross, the Vice
2 Chair is Johnson Eningowuk, and Secretary is Frances Degnan. I
3 congratulate both of you. And now we'll move on to our seventh
4 item in the agenda which is open floor to public comments on
5 the Federal Subsistence Management Program. Is there -- for
6 those of you who wish to make any comments, please go to the
7 microphone and identify yourself and go on with your comments.

8
9 MR. JACK: Thank you, Mr. Chairman. My name is Carl
10 Jack. I work as the director of subsistence and natural
11 resources for RurAL Cap. The comments -- I realize that --
12 referring to the Federal Subsistence Board is now taking public
13 comments so I guess my comments can be viewed as providing
14 information on the issue of customary and traditional
15 determination that the Federal Subsistence Board had asked for,
16 this consideration.

17
18 In your packet there's a letter from the Chairman of
19 the Federal Subsistence Board, and in terms of the merits of
20 the questions that was raised by the Chair to the Regional
21 Advisory Councils, what I can do is provide you with comments
22 that were made by RurAL Cap in October '89 (sic) in support of
23 a proposal for revising the State's eight criteria regulations.
24 I assume that these have also been provided to the Joint Board
25 of Fish and Game. While some of the comments may not be
26 relevant to the inquiry that is under taken by the task force
27 or the working group that was established in, I guess, May of
28 '89. Others clearly are -- meaning that some of the comments
29 are relevant. The Federal Subsistence Board adopted the
30 State's eight criteria and I guess in '89 RurAL Cap reviewed
31 the criteria and concluded that there were still valid
32 indicators of the diverse subsistence lifestyle of rural
33 Alaskans. For that reason RurAL Cap did not recommend doing
34 away with the c&t determinations. They did, however, recommend
35 slim lining and reorganizing the criteria so it was clear that
36 some of the criteria listed are more critical than others.

37
38 Proposal to amend the regulations to read as follows:
39 And I guess these -- and again, these are the summaries that
40 you'll be provided. In December of '91, RurAL Cap, among
41 others, commented on the customary and traditional use
42 determination process being proposed by the Federal agencies in
43 the draft environmental -- EIS for Federal management. And I
44 will also provide you comments on those. Recommendations with
45 respect to customary and traditional uses were as follows, and
46 I'll just quickly run through those and then make some
47 concluding comments.

48
49 One is no species by species determination. Instead,
50 the Federal Subsistence Board should focus on customary and

0030

1 traditional use areas and provide that all species found within
2 those areas are subject to the subsistence priority. And this
3 would include indigenous reintroduced and introduced species.
4

5 Two, regulations should cause the least adverse impact
6 on subsistence uses. That is to say, the agencies were urged
7 not to adopt the State's reasonable opportunity.
8

9 Three, the concept of transferability of permits and
10 community bag limits should be available options for
11 subsistence users and communities.
12

13 Four, the eight criteria should be amended in
14 accordance with what we have proposed in '91, and those will be
15 spelled out in the comments that will be provided to you as for
16 information.
17

18 Five, the customary trade should be redefined as
19 "exchange by subsistence users of subsistence resources for
20 cash, so long as such exchange do not constitute significant
21 commercial enterprises."
22

23 Six, none of the State's license, permits, harvest
24 tickets and bag limits should be imposed upon subsistence users
25 unless necessary under Section .804 of Title VIII of ANILCA to
26 protect the continuing viability of a species, and/or the
27 continuation of the subsistence uses.
28

29 And last, the Federal Board is obligated to review
30 these regulations and modify them to c&t practices.
31

32 Again, I would say that many of the recommendations
33 that were made then are still valid today. Particularly with
34 respect to the Native folks on traditional use areas and to
35 abandon the species by species approach. With respect to the
36 product of the task force that was formed in '89, we know that
37 they have produced a report which was not made to the public
38 and I'm referring to the task force or work group that was
39 developed to look into this matter since May of '89.
40

41 On that note, I would say from the procedural
42 standpoint, the Regional Advisory Councils should ask for more
43 time to consider this request for recommendations especially if
44 this is the first time that you have a chance to -- if it's the
45 first time that this information has been presented to this
46 Council on proposed changes to the c&t determinations.
47 Secondly, the Regional Council should insist on seeing the task
48 force report. And finally, the Regional Council should
49 strongly recommend that the public be given an opportunity to
50 comment on any proposed changes to the c&t determination.

0031

1 Mr. Chairman, that concludes my remarks and I again, I
2 will provide the information I referenced in my talk as a way
3 of providing information to this group. Thank you very much.
4

5 CHAIRMAN CROSS: Thank you, Mr. Jack. Are there any
6 questions or comments of Mr. Jack.
7

8 MR. KATCHEAK: I would request that, could we have a
9 copy of your recommendation?
10

11 MR. JACK: Yes, they will be provided and these are a
12 few that I referenced in my presentation.
13

14 MR. KATCHEAK: Thank you.
15

16 MS. DEGNAN: I have a question. Am I correct in
17 understanding that your Rural Cap position is not to change the
18 customary and traditional definitions?
19

20 MR. JACK: That is Rural Cap -- the overall approach is
21 to look at the area wide c&t determination.
22

23 MS. DEGNAN: Uh-huh.
24

25 MR. JACK: And to include every species within that
26 area to be designated for the subsistence users under the
27 subsistence priority rather than a determination using the
28 eight criteria that the Federal Subsistence Board adopted.
29 Eight criteria were the State's method determining c&t.
30

31 MS. DEGNAN: Uh-huh.
32

33 MR. JACK: So the overall comments of Rural Cap and
34 others focused on an area wide c&t determination for
35 subsistence priority.
36

37 CHAIRMAN CROSS: Were you going to be speaking
38 regarding what he's saying?
39

40 MS. HILDEBRAND: My name is Ida Hildebrand. I'm with
41 the Federal Subsistence Staff Committee and I have a point of
42 clarification to Carl. You referred to the task group formed
43 in 1989, did you mean 1998 or was there a.....
44

45 MR. JACK: 1998, thank you.
46

47 MS. HILDEBRAND: Okay, correct, thank you. As far as I
48 know, I'm a member of that task group, that we haven't done a
49 report. We've had notes of the stuff we've written and I'm
50 sure that can be released to you if you request it, I mean of

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1 the discussions we've had, but there isn't a report that's been
2 repaired.

3
4 MR. JACK: A misunderstanding then.

5
6 MS. H. ARMSTRONG: Maybe I can comment to that. There
7 was not an official report. Somehow the public has gotten this
8 idea that there is a report that we are withholding from
9 people. But there was information that was drafted, put
10 together, it wasn't in a -- a lot of talk and ideas and then
11 what the final was what's in your book. And so that's what --
12 I mean the other was considering a working document, it was a
13 draft and it wasn't felt to be really sufficient to put out to
14 the public. And somehow somebody got some idea that we were
15 withholding something which really wasn't the case. A request
16 did come to our office to have that released and it was denied
17 because -- and I think it was Gloria Stickwan requested that,
18 but it was denied because it was not felt to be something that
19 was totally publishable. And also was not something that had
20 been given to the Regional Councils, and our office felt that
21 they shouldn't be giving something to the public that had not
22 been given to the Regional Councils.

23
24 There's not really that there's anything in there that
25 anybody's trying to hide, it's just that it was a draft
26 document and the final document is the one that is in the book.

27
28 MR. JACK: Thank you. Mr. Chairman, I guess I'd like
29 to note the point that I was trying to make was to make that
30 available to the Regional Advisory Councils. And last to give
31 the public a chance to -- open for the public, more than just
32 in comments.

33
34 CHAIRMAN CROSS: Before we continue I have a question
35 for Taylor. What is the procedure for acting on public
36 comments for this Board, I'm kind of unfamiliar?

37
38 MR. BRELSFORD: Madame Chair, this portion of the
39 meeting is wide open for comments that the Council can take
40 under advisement. You may, for example, hear about a resource
41 problem through general public comments and later in the agenda
42 you might decide to focus a proposed regulation change based on
43 the public testimony. So normally you would not act on the
44 public comments at this time.

45
46 CHAIRMAN CROSS: Uh-huh.

47
48 MR. BRELSFORD: You would act during the agenda items
49 that request action. This item, for example, is before you
50 later in the day for a presentation that Helen will go through

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1 and there are some materials in there in the book before you.
2 So normally the purpose of open comments is just for you to get
3 the feel of the pulse.

4
5 CHAIRMAN CROSS: Uh-huh.

6
7 MR. BRELSFORD: What kinds of concerns and issues are
8 out there and then later on the Council may develop some course
9 of action around.

10
11 CHAIRMAN CROSS: The reason why I ask is that my
12 understanding from you, you were giving us recommendation. You
13 are asking for -- you've made three recommendations. One is to
14 ask for more time to consider the request for recommendation on
15 the proposed changes and insist on seeing the task force -- the
16 one that we just discussed, the task force report, and ask for
17 more time so the public can have opportunity to comment. Is
18 that my understanding that's what you were recommending?
19 That's why I was asking.

20
21 MR. JACK: Realizing that this issue will be addressed,
22 I guess by most of the Regional Councils.

23
24 CHAIRMAN CROSS: Okay. So as each issue comes -- as
25 each person presents their comments and then we can deal with
26 them at the closure of the day or.....

27
28 MR. BRELSFORD: That's.....

29
30 CHAIRMAN CROSS:because our agenda is already
31 set.

32
33 MR. BRELSFORD: Our hope is that procedures, the way
34 you do business will be very flexible.

35
36 CHAIRMAN CROSS: Okay.

37
38 MR. BRELSFORD: For example, at this point, when public
39 comments are offered, you might want to ask questions of
40 clarification to be -- as you've done, to be sure that you
41 understand exactly the idea that Carl is putting forward and
42 you can refer back to that later on when you get to the action
43 items on the agenda. Or at any point, the Council has the
44 authority to revise the agenda to take action out of sequence
45 if that's necessary. The only point I would say is we want to
46 be sure everybody is aware of the motion before the actions
47 before you so that you don't leave anybody behind in changing
48 the sequence, otherwise you have the flexibility to modify the
49 agenda to take up the items that are before you.

50

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1 CHAIRMAN CROSS: Thank you. Are there any questions or
2 comments for Mr. Jack?

3
4 MS. H. ARMSTRONG: Mr. Jack, I just want to be sure,
5 the report that you're referring to; where did you hear about
6 this report or -- that I know exactly.....

7
8 MR. JACK: It was kind of floating around the office
9 when we talked about c&t.

10
11 MS. H. ARMSTRONG: Uh-huh. And it.....

12
13 MR. JACK: And that was a question that was -- there
14 was a formal report that was done and had not been released.

15
16 MS. H. ARMSTRONG: No.

17
18 MR. JACK: I guess it was one that was -- that you
19 referred to Gloria Stickwan.

20
21 MS. H. ARMSTRONG: Yes.

22
23 MR. JACK: That may have been the one.

24
25 MS. H. ARMSTRONG: Okay.

26
27 CHAIRMAN CROSS: Any further questions or comments for
28 Mr. Jack. Anything further Mr. Jack?

29
30 MR. JACK: That's all.

31
32 CHAIRMAN CROSS: Thank you very much. Is there anybody
33 else who wishes to address this Council? Well, since we don't
34 hear anybody, there's a request for a break so we will take a
35 10 minute break.

36
37 MR. ENINGOWUK: That's too long.

38
39 CHAIRMAN CROSS: Five minute break? Five minute break.

40
41 (Off record)

42 (On record)

43
44 CHAIRMAN CROSS: I'd like to call the meeting back to
45 order, it's now 10:55 a.m. We are still in the public comments
46 period. Does anybody else have anything else to say?

47
48 MR. MENDENHALL: Just keep it open.

49
50 CHAIRMAN CROSS: We'll keep public comments open if

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1 anybody else has anything further to say for the rest of the
2 day they can. Let us know if anybody comes in and wishes to
3 say something. We will now go to the next item on the agenda
4 which is 8, new business. And under (A) is open floor to
5 proposed changes to Federal Subsistence Board which is Tab D
6 regarding the regulations. And Cliff, how are we handling
7 that?

8
9 MR. EDENSHAW: Madame Chair, on the back -- on the
10 sign-in table back here on this yellow form here there's a
11 proposal to change hunting and trapping seasons or bag limits
12 on Federal lands here in Unit 22. And inside your booklet, if
13 you look under Tab D, it gives a short synopsis on call for
14 proposals on what that entails and it also has a proposal form
15 in there.

16
17 CHAIRMAN CROSS: And that's the deadline of October 23,
18 1998.....

19
20 MR. EDENSHAW: That's correct.

21
22 CHAIRMAN CROSS:to propose changes.

23
24 MR. MENDENHALL: Send them out to the rest of the
25 villages so they can respond to that.

26
27 CHAIRMAN CROSS: Do you want to.....

28
29 MR. MENDENHALL: No.

30
31 CHAIRMAN CROSS: And these proposals have been
32 disseminated to the villages that are going to be effected or
33 their areas? Go ahead.

34
35 MR. EDENSHAW: Yes, Madame Chair, those have been
36 mailed, the standard mailing list, to the villages.

37
38 CHAIRMAN CROSS: They've already been mailed out?

39
40 MR. EDENSHAW: Yes.

41
42 CHAIRMAN CROSS: Were there any.....

43
44 MS. DEWHURST: We haven't received anything yet.

45
46 MR. EDENSHAW: We haven't received.....

47
48 CHAIRMAN CROSS: Can we have -- do you normally just
49 make one request or can you do a follow-up or.....

50

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1 MR. EDENSHAW: Madame Chair, I'm just going to go ahead
2 and defer to Donna and Helen to answer some of those questions
3 also.

4
5 MS. DEWHURST: This is an open time where either the
6 Council or any of the agencies can make proposals. This
7 usually the time in the meeting where it's open for any
8 suggestions for proposals. And anybody, any individual can
9 make a proposal or the proposal can come -- maybe Perry might
10 suggest it and then the Council blesses it and says it's coming
11 from the Council. Or it could come from an individual or it
12 can come from anybody. Last year Peter Bente suggested several
13 that were aligning State and Federal regulations that the
14 Council then adopted and then they became Council
15 recommendation. But it can come from any source and the
16 Council can then support it or they don't necessarily have to
17 support it. It would still be a recommendation whether or not
18 the Council supports it because it can come from one individual
19 for that matter.

20
21 So this is the time where it's open for any of the
22 hunting regulations on Federal lands to be changed. So any
23 suggested changes for the hunting regulations on Federal lands.
24 And usually this is the time we allow but they could be brought
25 up anytime later in the meeting, too, or they could be
26 handwritten or submitted up 'til October 23rd. So that's the
27 period. But this is usually the time in the meeting we
28 actually bring it up. And it also opens up to any changes in
29 the c&t, the current way we do c&t.

30
31 MS. DEGNAN: Chairman Cross, I have a question. I
32 heard over the radio, an announcement for the call for
33 proposals, so you have had it on the radio.

34
35 MS. DEWHURST: Yeah.

36
37 MS. DEGNAN: And so the individual that listens to the
38 radio and they have an interest in hunting on the Federal
39 lands, and if they so desire, they can write to you with
40 their.....

41
42 MS. DEWHURST: Yes.

43
44 MS. DEGNAN: Now, if they're within the units that we
45 have jurisdiction over, would those proposals come to us for
46 review?

47
48 MS. DEWHURST: They'll come to you in the winter
49 meeting with a Staff analysis and at that time the Council gets
50 to make a formal judgment on the proposals.

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1 MS. H. ARMSTRONG: What will happen is you'll receive a
2 book before the winter meeting with that Staff analysis to give
3 you the opportunity to read through it and see if you have any
4 changes and questions and see if you agree with the
5 recommendations. And then after you make a recommendation as a
6 Council, it goes to the Staff Committee and then from the Staff
7 Committee looks at your recommendation, they make a
8 recommendation and then both those recommendations go to the
9 Federal Subsistence Board and then they make their final
10 decision.

11
12 MS. DEGNAN: And for consideration in real life, Mr.
13 Jack was before us pertaining to Rural Cap's concern about c&t
14 determinations, would that be considered.....

15
16 MS. H. ARMSTRONG: No. I'll clarify that. What we're
17 asking for here, separate from Mr. Jack, is changes to Subparts
18 (C) and (D) of the regulations and those are what are in the
19 book.

20
21 MS. DEGNAN: Uh-huh.

22
23 MS. H. ARMSTRONG: And I was kind of looking to see if
24 people had their books here and we -- there's only one more.

25
26 MS. DEGNAN: I'd like a copy.

27
28 MS. H. ARMSTRONG: But let me.....

29
30 MS. DEGNAN: I'd like a copy for my use.

31
32 MS. H. ARMSTRONG:pass this around. Did anybody
33 bring their books? I think we're short on -- it's the changes
34 in Unit 22. Unit 22 is the only one that applies to this
35 Council, although you can make changes -- if there's something
36 that effects this area, if you go into 23 or into 18. What Mr.
37 Jack was talking about was a different process in a different
38 part of the regulations. The -- and we'll get into that
39 discussion a little bit later, but that's to actually change
40 the way we do c&t, not the actual c&t determinations. So it's
41 a separate thing.

42
43 MS. DEGNAN: So it's a.....

44
45 MS. H. ARMSTRONG: And we'll get into that later but
46 it's separate from what we're talking about right now.

47
48 MS. DEGNAN: Okay. Because sometimes the wording is
49 such in the thing that.....

50

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1 MS. H. ARMSTRONG: Right.

2

3 MS. DEGNAN:it brings me to feel that an
4 individual within our unit, our district, would come out with
5 the same sort of proposal that Mr. Jack may have.

6

7 MS. H. ARMSTRONG: Yeah.

8

9 MS. DEGNAN: And so it would fall under this too.

10

11 MS. H. ARMSTRONG: It's just a different part of the
12 process. And so what we're asking for now is the changes to
13 the regulations in that book that are on that page for Unit 22.
14 So that's what we're talking about right now.

15

16 MS. DEGNAN: Thank you.

17

18 MR. ENINGOWUK: Madame Chair.

19

20 CHAIRMAN CROSS: Johnson.

21

22 MR. ENINGOWUK: In regard to Ken's comment earlier
23 about muskox, have they moved that up to this? Because I
24 believe it'd be a proposed change to allow muskoxen to be
25 hunted by Teller, Brevig -- if it's my understanding, in the
26 Shishmaref area, east? Is that my understanding?

27

28 MR. ADKISSON: Maybe I could say something to that.
29 Ken Adkisson with the National Park Service. I was discussing
30 that earlier with Donna. And we're not really sure, but what's
31 involved is simply removing a restriction that's currently
32 placed on Unit 22(D) hunters, that's Brevig Mission and Teller,
33 that essentially requires half of the permits to be distributed
34 for BLM lands and half of the Federal permits for National Park
35 Service lands. The effect of that restriction is that some of
36 the Unit 22(D) hunters who live in the western part of the
37 subunit are required to travel all the way over to the eastern
38 part of the subunit. And we're not sure what it's going to
39 take to, you know, work through the process of removing that so
40 we're not really sure it's really a formal request to change
41 the regulation.

42

43 If you want to take it up now, fine, we can. If you
44 want to wait, as you indicated, to the report section and deal
45 with it there, we can. I think really what we need to do is
46 just bring it before you to think about and possibly get a
47 recommendation from you that would recommend that the Staff and
48 agency folks work with the users and try to get that
49 restriction removed as soon as we can. You know, providing it
50 no longer serves a conservation purpose which is why it was

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1 originally imposed.

2

3 CHAIRMAN CROSS: I understand that they're going to be
4 getting us copies of the proposed changes that are here.

5

6 MS. DEWHURST: No, those are the existing regulations.

7

8 CHAIRMAN CROSS: Oh, existing regulations.

9

10 MS. H. ARMSTRONG: Yeah. I just asked if we could get
11 some more books from the Park Service office since not
12 everybody has one. So Fred Tocktoo's going to check.

13

14 CHAIRMAN CROSS: My recommendation at this point would
15 be for everybody to look at the current ones once we get books
16 and then deal with it a little bit later; perhaps after lunch.

17

18 MR. BRELSFORD: Madame Chair, that seems a wise
19 suggestion. If I could take just a second to reassure you on a
20 point that both Fran and yourself raised, regarding how
21 widespread the public communication about this was. I wanted
22 to mention that we do send out press releases to about 60 print
23 media and broadcast media, the public radios all throughout
24 Alaska. And in the regulations booklet that's sent out to the
25 villages for hunters, this year one guy in our office, George
26 Sherrod, made the very wise suggestion that we include the
27 proposal form in the regulations booklet itself so that while
28 you're reading it, if you see something that just rubs the
29 wrong way, you actually have right here the form to fill out a
30 change proposal. And this booklet should have come to each of
31 the members and to the village councils and the licensed
32 vendors in your village. So I hope people have seen the
33 regulations booklet. There are about 22,000 copies of the
34 regulations booklet distributed in rural areas in July of this
35 year.

36

37 So hopefully the basic idea of how to change
38 regulations is fairly widespread. And if you think of new
39 things, other things we need to do for village outreach, that's
40 a very important way you can give us good advice. But that's
41 the ground -- that's the basic level of trying to notify the
42 public about the opportunity to change the Federal Subsistence
43 regulations.

44

45 MR. MENDENHALL: The last time we went through this
46 book, a year ago, I think I asked if there was any conflict
47 with Fish and Game's hunting time line versus the time line on
48 seasons for each of these because they may be hunting on one
49 and then cross the line or river and be out of compliance. And
50 that's the concern that I had that some people might -- the

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1 animals don't recognize boundaries. That's the concern I have.
2 And if a man is chasing a bear or moose, it crosses the line,
3 and the next thing you know he's legal on the Federal land but
4 illegal on the State land. And I just wondered if there's any
5 conflicts.

6
7 MS. DEWHURST: We made a bunch of those proposals last
8 year and there hasn't been a Game Board meeting for this area
9 since then. So there haven't been any changes that I'm aware
10 of, and Kate could correct, if there are any.....

11
12 MS. PERSONS: There's one.

13
14 MR. MENDENHALL: Okay.

15
16 MS. DEWHURST: Okay, well, then there might be more we
17 need to adjust.

18
19 MR. MENDENHALL: That's my comment and concern.

20
21 MS. PERSONS: There's just one instance where last
22 year, the Board of Game.....

23
24 MS. HILDEBRAND: Identify yourself for the record.

25
26 MS. PERSONS: Excuse me, my name is Kate Persons with
27 Fish and Game. Last spring the Board of Game approved a
28 regulatory change on the ptarmigan season. This was in a
29 request that came from the Advisory Committee. And the
30 ptarmigan season on State land now opens September 1 instead of
31 August 10th.

32
33 MR. MENDENHALL: That's State?

34
35 MS. PERSONS: That's State. And that was a request by
36 the Northern Norton Sound Advisory Committee because they felt
37 that there was a lot of harvest of very young birds occurring,
38 particularly along the road system.

39
40 CHAIRMAN CROSS: And that would be Unit 22?

41
42 MS. PERSONS: All of Unit 22.

43
44 CHAIRMAN CROSS: All of Unit 22?

45
46 MS. PERSONS: Yeah.

47
48 MS. DEWHURST: September 1 versus August 10th?

49
50 MS. PERSONS: That's correct.

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1 MS. DEWHURST: So that would be an opportunity that at
2 this point the Council could recommend that to be a proposal
3 that we change the Federal regulations to match -- in
4 situations like that where they're really minor changes in the
5 dates, they grease through, usually there's not a big debate
6 and they just slide right on through.

7
8 MR. MENDENHALL: But again, in the bush areas they
9 might depend on that for their camp food and they'll be.....

10
11 MS. DEWHURST: Yeah, that's if you want it to slide
12 through.

13
14 MR. MENDENHALL: Yeah. You know, I mean it would be
15 illegally hunting if you get a ptarmigan if you're out at camp
16 and that's the only grocery store. That's a concern. I can
17 see where it goes on the road system of Nome where everybody
18 from -- has a shotgun almost in their pickup and shoot on the
19 road, a young ptarmigan. But I think in the bush area, the
20 rural areas, I think -- you know, they don't have a store like
21 Nome.....

22
23 MS. DEGNAN: Or jobs.

24
25 MR. MENDENHALL:and they depend on these birds
26 for feeding themselves. We have an option of keeping our old
27 regulation or complying with the State, those lands, open
28 season for September 1.

29
30 CHAIRMAN CROSS: So I think, my original suggestion was
31 that everybody be given a chance to read this between the lunch
32 period and then come back to it, proposals from the Regional
33 Council. So everybody has a chance to look at it.

34
35 MR. MENDENHALL: Is there anymore comments from Fish
36 and Game, State? Conflicts?

37
38 MS. PERSONS: That's the only difference that I'm aware
39 of that has just recently come about.

40
41 MS. H. ARMSTRONG: Madame Chair, Fred just came in with
42 the reg books.

43
44 CHAIRMAN CROSS: Okay, I appreciate it. Any comments
45 from the Council regarding the proposed changes -- I mean the
46 regulations, proposals? Do we have anybody from the public
47 with proposals to change Federal Subsistence Regulations here?
48 I guess not. But like I said earlier, we'll just keep that
49 open for the remainder of the day. And my recommendation for
50 the Regional Council proposals, I think that we all should look

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1 at these, come back after lunch and deal with that. Are there
2 any Agency proposals? Nothing.

3
4 Okay, before lunch we'll go to (B), with Taylor.

5
6 MR. BRELSFORD: Thank you, Madame Chair. We do have
7 some material in the booklet. It's a detailed set of public
8 comments and it's found at Tab -- the detailed public comments
9 on the proposed rule are at Tab I. However, our presentation
10 this morning is shorter and I'll handout the talking points so
11 that you can follow these with us. And there are a few copies
12 at the back. The cover sheet is a letter from Tom Boyd, and
13 then the second pages are bulleted items that provide an
14 overview of the current status of the Federal Subsistence
15 Fisheries Management.

16
17 I know that for many of you the question of Federal
18 Subsistence Fisheries Management is one you've heard about and
19 thought about for some time now, two years, at least. But in
20 the presentation that we've prepared I'd like to touch on a few
21 key points of the background and of the proposed rule that was
22 issued in December last year. And most of you will remember in
23 the winter meeting, the spring of '98, we looked at the
24 proposed rule in some depth. We had public hearings, public
25 comments in Unalakleet, in Nome and so on. I'll try to
26 summarize what we learned from those public comments. Then in
27 the last two sections I'll talk about the final step, what's
28 called the final rule, and finish with mention of the
29 procedures, what procedural steps will occur before
30 implementation of the Federal Subsistence program.

31
32 So if I can start with the background, reviewing what
33 has brought us to this point today. The Katie John decision
34 was handed down by the Ninth Circuit Court of Appeal, a Federal
35 Appeal Court, in December of 1995. And that court found that
36 the Federal Subsistence Program should apply to waters
37 associated with Federal lands and therefore to subsistence
38 fisheries in the waters inside of Federal lands. Up until that
39 time, the Federal Subsistence Program had focused on wildlife,
40 subsistence wildlife harvest on the land, and had not
41 intervened or exercised jurisdiction over the subsistence
42 fisheries in the river systems in the navigable waters. So
43 it's a very significant change. Obviously the court's decision
44 would have very wide reaching ramifications for the Federal
45 Subsistence Program and its responsibilities. But Congress
46 passed legislation blocking the court's decision. The court
47 said move ahead in subsistence fisheries management, then
48 Congress passed what was called a moratorium which forbid use
49 of Federal funds to implement the Katie John decision. So it's
50 been kind of a roadblock from 1995 when the court made that

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1 decision. The last of those moratoriums -- the current one
2 expires on December 1st, 1998, so when you hear the deadline of
3 December 1st, 1998, the Federal takeover will come after
4 December 1st, things of that sort, what it's referring to is
5 the effective date, the end date of the current moratorium, a
6 current motion by the Congress which forbids the Federal
7 government from going ahead with the court's direction.

8
9 The reason for those moratoriums, the delays, was to
10 allow the State of Alaska more time to try and come up with a
11 solution, with a reconciling legislation, including a
12 constitutional amendment, that would allow the State to come
13 back in compliance and reunify subsistence management on both
14 State and Federal lands. As you know the legislature was
15 unable to take positive action this summer. They had two
16 special sessions, nothing came out of it. So at this point,
17 the Federal government is -- there's no other option. We are
18 proceeding with the planning to take on that new responsibility
19 after December of 1998.

20
21 The making of Federal regulations occurs in two big
22 steps, always, kind of like a draft and a final. So this
23 proposed rule was the first draft, the first try at Federal
24 subsistence fisheries regulations. That was issued in December
25 last year. And a set of public hearings were held during the
26 spring, one in Nome in the Seward Peninsula Region, for
27 example, another one in Unalakleet. Those were in February and
28 March of last year, if you remember. And then in the Council
29 meeting we had chapter and verse, went through the regulations
30 fairly closely just to try and familiarize everybody with where
31 this was going. Again, it's a substantial new responsibility
32 and complicated regulatory responsibility and we've felt like
33 we needed to kind of bite this off and chew it in steps. So
34 the proposed rule was kind of a first effort to organize the
35 Federal subsistence fisheries regulations and to receive some
36 comments. What's left is the final step, it's referred to as a
37 final rule. That's being drafted right now and I'll say a bit
38 more about it in a second.

39
40 A year ago, in December of '97, that proposed rule gets
41 basically four major -- it had four major sections. The first
42 was to identify the waters that would come under Federal
43 subsistence fisheries jurisdiction. And I think many of you
44 have kind of stood up at the maps and looked at this, but the
45 key thing to keep in mind is we're talking about inland waters
46 not the marine waters, but river systems inland that are in
47 side of -- or adjacent to, right next to, Federal conservation
48 units. So for the Seward Peninsula region, that's the Bering
49 Land Bridge National Preserve -- I'm going to get this right
50 before I die. And in the south of your region, there's small

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1 portion of the Yukon-Delta National Wildlife Refuge which is a
2 conservation area and has waters that are effected. The other
3 unusual example in the Seward Peninsula area is the Unalakleet
4 wild and scenic river. That is also a Federal conservation
5 unit and therefore it does come under the jurisdiction. In
6 your area there are a fairly significant number of acres under
7 the BLM, in general, public domain lands. And since those have
8 not set aside as a permanent conservation program, these water
9 rights or Federal jurisdictions over those waters do not apply
10 on the BLM lands. I think that's kind of repeating something
11 we've looked at closely with the maps in the past. I do want
12 to say there are some special circumstances about marine
13 waters, coastal waters. They are pre-statehood withdrawals.
14 And there are a couple of those that I'll mention to you in a
15 minute in the Seward Peninsular area. So there are a couple of
16 costal areas that will come under Federal subsistence fisheries
17 management.

18
19 A second major topic in the proposed rule was the
20 existing authority of the Secretaries of Interior and
21 Agriculture in an area we call extraterritoriality. And what
22 that means is if harvest activity outside of the Federal waters
23 has the effect of causing a failure in subsistence hunting or
24 fishing in the Federal areas, the Secretaries can move outside
25 of Federal lands and waters to restrict or limit other
26 activities. Their goal, their purpose is to protect the
27 activity on Federal lands or on Federal waters, but under
28 certain circumstances they can actually reach off into non-
29 Federal waters. That's quite a controversial provision. It's
30 an existing legal authority. And the proposed rule included
31 that in the provisions.

32
33 Under the area of customary trade there were some
34 provisions to identify or acknowledge that customary trade is a
35 protected activity under the subsistence definition in ANILCA.
36 And finally, in terms of seasons and harvest limits, fishing
37 periods, the proposed rule generally just incorporated the
38 State subsistence regulations as a baseline for the first year
39 to try and minimize changes and disruptions and then it left
40 open the opportunity in later years for Councils and the public
41 to make changes to adjust those regulations to more fully
42 provide for the subsistence priority.

43
44 There were, as is noted, a number of public hearings
45 and a great many public comments received. And if you have a
46 more detailed interest, the public comments are actually
47 summarized in your meeting materials by the section of the
48 regulation that they apply to. So you can kind of get an idea
49 of reading through more precisely. What I would like to do for
50 a second is summarize the questions that were raised in the

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1 Seward Peninsula region and mention what has come of those.
2 what became of those proposals from this area.

3
4 There were three meetings in the Seward Peninsula
5 region in the spring. A hearing in Nome in February, a hearing
6 in Unalakleet in late February, February 24th, and then in the
7 Anchorage meeting of the Seward Peninsula Council on March
8 17th, you all commented further on the proposed rule. There
9 were five major concerns that were raised. The first of those
10 had to do with the Area M fisheries and people were very
11 concerned about the shortages in subsistence fishing
12 opportunities that, in your view, are a consequence of the Area
13 M fisheries. And there was a lot of discussion about whether
14 the Federal government would move in -- step into the Area M
15 fishing regulations to protect subsistence users in Western
16 Alaska, in Norton Sound, the Y-K Delta and so on. As I
17 mentioned, the existing language on extraterritoriality remains
18 a part of the final rule. It was not taken out. The same
19 protections, the same recognition of the Secretaries authority
20 to reach off of Federal lands to protect the activity on
21 Federal lands. All of that is the same as what you saw in the
22 previous version. It has not been watered down or removed.

23
24 Secondly, there were concerns about the limits on
25 jurisdiction of the Federal Subsistence Program, and in
26 particular, in Unalakleet, people pointed out that a lot of the
27 subsistence fishing occurs in the lower part of the river. But
28 the wild and scenic river designation occurs in the upper
29 reaches of the Unalakleet River. To answer -- to say what has
30 come of that, we're still bound by the court's decision that
31 its waters within or next to the conservation units -- so the
32 jurisdiction will still be limited to that up river portion
33 under the wild and scenic river. But there is a pre-statehood
34 Federal withdrawal at the mouth of the Unalakleet River -- at
35 the mouth and one mile upstream. I believe this will be
36 associated with a reservation and the IRA constitution early in
37 the '30s. But since the proposed rule there's been a more
38 detailed analysis of pre-statehood withdrawals. So
39 specifically in the area of the Unalakleet River, there is some
40 additional waters that will come under the jurisdiction of the
41 Federal program.

42
43 A third item mentioned by your Council was to be sure
44 that the State regulations be used as a baseline were current
45 and up-to-date. And in particular, several of you pointed out
46 that the Board of Fisheries met in Nome in March last spring
47 and made some very significant new changes in regard to
48 subsistence salmon management and a Tier II salmon management
49 system. The State regulations that have been used for the
50 final rule do incorporate Board of Fisheries actions in the

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1 past year. Those regulations are the August '98 version. So
2 they will now take into account State Board of Fisheries
3 actions all the way through August of this year. So I think
4 that -- I felt like that was really a significant catch. If
5 we're trying to use regulations as a baseline and we're out-of-
6 date, it would create a lot of unnecessary confusion and work
7 to catch it up. And so based on the public comments our Staff
8 was much more careful to use the current, the updated versions
9 of the State regulations. So that was a comment that was
10 positively received and taken care of.

11
12 Fourthly, residents in the Seward Peninsula region
13 emphasized the importance of customary trade and asked that
14 that be fully protected. The language on customary trade will
15 remain the same as it was in the proposed rule. The current
16 version has the same language there and we're, I think,
17 operating consist with your wishes in that matter.

18
19 The fifth area, the final comments from the Seward
20 Peninsula region had to do with organizational structures in
21 the Federal subsistence fishing program when it gets started.
22 And in particular, some of the public noted that there may be a
23 need for changes in the Regional Council size or in the
24 relationship between Regional Councils. There was comments
25 about how the advisory council -- the Regional Advisory Council
26 system could work with the new responsibilities under
27 fisheries. And on that point, the final rule scheduled to come
28 out after December of 1998 will not make any new changes in the
29 Regional Council program for now. We think there needs to be a
30 more careful review statewide of the advisory program for
31 fisheries. And the big one that is on everybody's mind is how
32 to coordinate management on the Yukon River because there are
33 three separate Regional Councils there. But we need some kind
34 of coordinated or unified fisheries management across those
35 three regions. So there is an analysis and some further public
36 consultation planned on the question of Advisory Councils.
37 There's no change at the present. That will come after the
38 December regulations are issued.

39
40 Another aspect of organization for the fisheries
41 program, this was a comment raised in Unalakleet. There was a
42 lot of discussion about the importance of cooperative
43 agreements with tribal organizations as partners in subsistence
44 fisheries management. And that, too, is an item under further
45 discussion by the Board at the present time. The Board has
46 given some direction. Mitch, in particular, spoke very
47 forcefully that cooperative agreements involving the tribes is
48 an important part of the Federal Subsistence Program. We have
49 done some things in wildlife management, we need to include the
50 tribes as partners in the fisheries management question. Other

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1 partnerships that are going to be real important include a
2 cooperative agreement with the Alaska Department of Fish and
3 Game. So there are several Board members who have a lead
4 responsibility to develop policies on cooperative agreements,
5 cooperative arrangements with the Department of Fish and Game
6 and with the tribes. That will be one of these organizational
7 issues examined at greater length after the regulations come
8 out in December. So two of them, the Regional Advisory Council
9 program and then the cooperative agreement issue, those will e
10 considered further after December of this year.

11
12 I think I'd like to stop there. That's sort of the
13 background. That talks about the proposed rule, what you got
14 in December last year and what comments were received in the
15 region. Let me stop for a second and see if there are any
16 quick questions or points of clarification. And then the last
17 part of the presentation has to do with the final rule, where
18 we go from here.

19
20 So Madame Chair, if there are any points of comments or
21 question at this point. It might be good to give us a break.

22
23 CHAIRMAN CROSS: Mr. Lean, I think has a comment or a
24 question.

25
26 MR. LEAN: Hello, my name's Charlie Lean. I'm the area
27 manager with Fish and Game. And my question, I guess it's a
28 lack of understanding, there's the maritime coastal refuge that
29 has bits and pieces all on the coast here of Norton Sound. And
30 I wondered, you know, that seems to be a specific wildlife and
31 fisheries resource designation. Would the RAC here have
32 authority over some of that? This is important because one of
33 the pieces of the refuge is the island, roughly from Solomon to
34 the Safety Bridge, and it could have a direct bearing on Tier
35 II management and salmon management within the Nome
36 subdistrict.

37
38 MR. BRELSFORD: You guys don't let me start with an
39 easy one, uh? It is an important question, and let me see if I
40 can do my best and I'll look to Sandy and Ida to help us. The
41 court decision, the Ninth Circuit Court, when they made the
42 Katie John decision recognized that there are very separate
43 laws that apply to the offshore areas. And so generally, the
44 waters effected by the Katie John decision are inland navigable
45 waters in or associated with Federal lands.

46
47 The exceptions, where maritime waters are included, are
48 these pre-statehood withdrawals. And my understanding is there
49 are parts of the now Alaska Maritime Refuge which were pre-
50 statehood withdrawals. There are some specific maritime waters

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1 around particular islands that come under it. But generally,
2 other areas brought into the Alaska Maritime Refuge in 1980
3 with the -- with ANILCA, they would -- marine waters associated
4 with those new lands, those new islands, would not come under
5 the jurisdiction of the Federal Subsistence Program.

6
7 The regulation, the proposed rule had some specific
8 language and I can mention a couple of additional pre-statehood
9 marine waters that have been added. There are some waters in
10 the Wales area. And in the Little Diomede area. In the Fish
11 River at White Mountain. And in the Unalakleet River from the
12 mouth of the river for one mile. Those are the special cases
13 that come from prior to statehood, from Federal actions prior
14 to statehood. But with those exceptions aside, generally, the
15 Katie John decision applies only to inland navigable waters,
16 not to the maritime waters.

17
18 MS. H. ARMSTRONG: Can you -- just a second, so I can
19 get in the notes. Wales, Fish River at White Mountain,
20 Unalakleet River, the mouth of.....

21
22 MR. BRELSFORD: Little Diomede.

23
24 MS. H. ARMSTRONG: Little Diomede, that's what I'm
25 missing.

26
27 MR. BRELSFORD: Right.

28
29 MS. DEWHURST: I think I can offer some clarification
30 there. I was the one that, when we were first taking up
31 fisheries, I was the one given the task to take the maps and
32 figure out what areas we were going to pick up and what areas
33 we weren't. And I was specifically assigned to do Alaska
34 Maritime Refuge. I think that slipped. I wasn't aware of that
35 little island, unless Sandy knew it, but it was never discussed
36 and when we were doing the mapping, it's possible that was an
37 oversight. Because you're saying that there's a little piece
38 of land between -- I know where you're talking -- I was just
39 down there, between the Safety Bridge and the town of Solomon.
40 There's a chunk of land in there that's run by Alaska Maritime
41 Refuge.

42
43 MR. LEAN: Yeah. We just became aware of it a few
44 years ago when we wanted to put a scenic wayside there at the
45 Safety bridge on that island.

46
47 MS. DEWHURST: Oh, yeah, see that wasn't on any of our
48 maps that we were looking at.

49
50 MR. LEAN: And then all of a sudden this was -- that

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1 was in the refuge and we didn't know it.

2

3 MS. DEWHURST: So that might have been an oversight
4 unless Sandy knows something otherwise. I wasn't aware of
5 that. When we were doing the mapping that was not an area that
6 came up under discussion.

7

8 CHAIRMAN CROSS: Sandy.

9

10 MR. RABINOWITCH: I'm Sandy Rabinowitch from the
11 National Park Service. Because of the fact that I was part of
12 the Staff to the Federal Board that conducted some of the
13 hearings here in Nome over the past couple years on these
14 proposed fisheries regulations, I can report that this question
15 actually did come up before.

16

17 MS. DEWHURST: Um.

18

19 MR. RABINOWITCH: And I wish I could remember the exact
20 answer and answer Charlie's question but I can't. But I
21 believe that there was, at least, an E-mail response that Rosa
22 Meehan did, at the Fish and Wildlife Service -- I believe she
23 checked with Fish and Wildlife Service realty division, and I
24 think answered the question. So I think there's a written
25 record of it that we could find, okay, because I believe it was
26 pretty carefully researched and then bring that -- you know,
27 bring that back to you all. Does that sound familiar to you?

28

29 MS. H. ARMSTRONG: That sounds very familiar but I also
30 can't exactly remember what the response was. But somehow I'm
31 sort of thinking there's a possibility that it's -- that those
32 lands are effected for some reason or another. But I can't
33 remember so I don't want to say that.

34

35 CHAIRMAN CROSS: Perry.

36

37 MR. MENDENHALL: Sitnasuak Native Corporation land
38 committee had addressed that issue of the Safety bridge area
39 for that walkway. And we made very strong recommendations from
40 the land committee to -- regarding that walkway, and I think
41 you need to get a hold of Irene Anderson to see what came out
42 of that discussion from that committee. But the village
43 corporation that has land withdrawals all the way down that
44 way, past Safety Bridge. And they adamantly made a stand not
45 to put a walkway because then you're taking away the nesting
46 areas with that square yardage that you're using for tourists,
47 bird watchers.

48

49 MS. DEWHURST: We can track it down again. But I know
50 that's why it wasn't on the very original maps, was I think it

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1 was just an oversight. Some of those Alaska Maritime lands
2 aren't -- the Maritime's maps themselves, aren't -- are so --
3 yeah, the spots are so small they don't even show up. So it
4 wouldn't be the first time there's been an Alaska Maritime land
5 oversight.

6
7 CHAIRMAN CROSS: Yes.

8
9 MS. HILDEBRAND: Ida Hildebrand, BIA Staff Committee.
10 Regarding those particular lands, if they have been conveyed to
11 the corporation, they're removed from ANILCA, Title VIII. They
12 become private lands that belong to the corporation, unless
13 they were not yet -- selected but not yet conveyed. If they're
14 selected but not yet conveyed they will be under the ANILCA
15 regulations.

16
17 MR. MENDENHALL: A bird sanctuary, that's what it was?
18 Federal recognition.

19
20 MS. HILDEBRAND: Right. But you were saying that the
21 corporation has.....

22
23 MR. MENDENHALL: But we have a say on that.

24
25 MS. HILDEBRAND:some say.

26
27 CHAIRMAN CROSS: Ken, you had your hand up before, do
28 you have -- were you going to say something?

29
30 MR. ADKISSON: Well, if I recall, I remember that
31 specific question.....

32
33 COURT REPORTER: Wait, wait, Ken.....

34
35 CHAIRMAN CROSS: Can, can you please.....

36
37 MR. ADKISSON: Okay. Ken Adkisson, National Park
38 Service. I recall that specific question that was raised by
39 Irene Anderson, the Sitnasauk land manager. And if I recall,
40 the answer was no, it wasn't part of the program. And I
41 believe it was because that there really weren't any navigable
42 waters flowing really through the island or the parcel under
43 discussion. But I think Sandy's correct, that if you really
44 want a definitive answer, go back to the answer that was
45 supplied by Rosa Meehan.

46
47 CHAIRMAN CROSS: Okay.

48
49 MR. BRELSFORD: I think what we can say is it would be
50 our responsibility, based on the question and the discussion,

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1 to provide more specific information in the minutes that would
2 be forwarded to the members so that we can make good on a
3 promise to get it -- to look up the precise details for you.

4
5 MR. LEAN: Just to help explain why I raised the
6 question. The inside waters adjacent that island might be
7 considered fresh, if they're brackish -- I'm not sure what the
8 status of Safety Sound is, whether it's considered Maritime or
9 Fresh or inland waters or, I don't know the terminology. Also
10 the beach has rearranged itself. Maybe since that last
11 question was raised, there's now another small island
12 immediately east of that one that has the Solomon River flowing
13 through one of the ridges in the barrier islands and a slough
14 off the Solomon River and waters from Cash Creek flowing -- in
15 combination with other reefs around that other small island.
16 So it was my understanding that the barrier islands along this
17 coast were just, by definition part of the Maritime Refuge and
18 so salmon do migrate through -- between these islands. And I'm
19 not sure how this would come out in the end.

20
21 MS. DEWHURST: If this was -- if it turned out that
22 this was just an oversight and it should be included, which we
23 don't know yet, we'll have to check on, is this an area that's
24 commonly used by subsistence users? I mean is this an area
25 that might be an area of contention down the road?

26
27 MR. LEAN: I think so.

28
29 CHAIRMAN CROSS: Taylor.

30
31 MR. BRELSFORD: Thank you, Madame Chair. Continuing --
32 that definitely focuses on the particulars in the Seward
33 Peninsular region.

34
35 The next section is to discuss -- to mention to you
36 some of the general thinking in the final rule, and again, the
37 final rule will come out after December. It's the last step in
38 the rulemaking. First, there is a change in the definition of
39 inland waters to achieve consistency between the Department of
40 Agriculture and the Department of Interior. This is not really
41 a problem that's been very relevant to the northern Councils.
42 But in Southeastern Alaska, the National Forests, the U.S.
43 Department of Agriculture in the proposed rule used a different
44 definition of inland waters and they have now reconciled so a
45 uniform definition of inland waters will be used in the forest
46 lands in Southeast and Southcentral. Now change up here. The
47 same definitions that you saw last time continue to apply in
48 the Seward Peninsula region.

49
50 The next item is on point of our discussion a moment

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1 ago and that is, in the final rule there will be a specific
2 listing of all marine waters where the government has reserved
3 water rights. Those are the pre-statehood withdrawals and
4 there were several in the Seward Peninsula area that will be of
5 importance to your Council, your residents.

6
7 Next, it retains the extraterritoriality language as
8 was previously, there are no changes.

9
10 CHAIRMAN CROSS: Excuse me. The ones that --
11 previously that you were talking about the Wales, Little
12 Diomede, Fish and Unalakleet River?

13
14 MR. BRELSFORD: Yes.

15
16 CHAIRMAN CROSS: Okay.

17
18 MR. BRELSFORD: Those are Maritime areas with pre-
19 statehood withdrawals. Prior 1959 the Federal government had
20 reserved land for one reason or another. Often it was in
21 association with IRA constitutions, I believe, in both Wales
22 and Unalakleet and those are now identified specifically and
23 they would come under the responsibility of the Federal
24 Subsistence Board and of your Council.

25
26 After extraterritoriality, there's an item, it retains
27 language saying that the Federal Subsistence Board can identify
28 additional water rights. I think what we're realizing is that
29 the history of public land orders and pre-statehood withdrawals
30 is actually fairly complicated and that there can be mistakes,
31 things that were not brought out beforehand. And so what this
32 is that the Federal government could, in the future, recognize
33 additional waters if new land records or new decisions, if they
34 come up at a later time. So the book will not be closed when
35 these regulations go out in December of '98. There will be an
36 opportunity for corrections in the future.

37
38 Next the c&t determinations that you saw last spring
39 were very limited in extent. You may remember that in many
40 parts of the State, freshwater species were not mentioned at
41 all even though they're a very significant part of the
42 subsistence fishing way of life. In the current, the final
43 version, the revisions that are coming out in December, there's
44 a more extensive effort to identify the customary and
45 traditional uses. And so what they're doing is an update based
46 on ongoing State identifications of customary and traditional
47 uses. There's a couple of, kind of qualifiers listed there,
48 that non-rural residents will not have c&t. Urban residents
49 would not have c&t on Federal lands. So that change would --
50 that adjustment would be made in any State determinations. And

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1 there are some specific determinations recommended by Councils.
2 The Bristol Bay Council added fresh water fish. The Southeast
3 Council adding trout, smelt and aluchin. Those are additional
4 changes that will be incorporated in the final rule.

5
6 Next point has to do with using current versions of
7 regulations. So these regs are now revised to the extent
8 possible to be recognized existing State fishing regulations.
9 The Federal Board has gone beyond the State subsistence regs
10 and made a couple of key decisions. The rod and reel is
11 recognized as a subsistence method and mean under Federal
12 regulations. There were some specific Board decisions
13 regarding king salmon, king crab and salmon fishing in the
14 Kodiak area, and similarly the specific Federal Board action
15 regarding rainbow trout in the Quinhagak area. So we're still
16 generally trying to incorporate existing subsistence seasons
17 with minimum changes, but they will be updated, current. And
18 then where the Federal Board has taken broader action, that
19 will be part of the Federal program.

20
21 The next item says that the regulations will be revised
22 to clarify areas where there are no Federal waters. In the
23 proposed rule, some regions pointed out regulations that didn't
24 mean anything because they referred to a fishing district where
25 there were no Federal waters and that could be confusing to the
26 readers. So those districts, where there's no Federal waters
27 are no longer referenced at all in the Federal regulations.
28 It's just a matter of clarity.

29
30 And finally, on the matter of customary trade, as I
31 mentioned before, the language at the present time remains the
32 same as it was in the proposed rule that you saw. I should
33 draw to your attention the fact that the customary trade
34 question was the single most contested topic of the proposed
35 rule. The most comments on any single issue actually addressed
36 the customary trade question. And there were concerns about
37 loopholes and the possibility of population problems based on
38 over harvest due to customary trade. At the present time the
39 regulation that's being put before the Board retain the
40 recognition and protection of customary trade. And they
41 mention it, you might remember, that in a given region, the
42 Regional Council and the Board might recommend the regionally
43 specific regulations about customary trade, but the Board will
44 have a discussion about customary trade and about the public
45 concerns of loopholes and misuse of the customary trade
46 provisions. And an alternative version is prepared for Board
47 review. It's not in the recommended regs, but there has been
48 some ongoing analysis and discussion of customary trade for the
49 Board's decisionmaking.

50

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1 Let me try and finish quickly by saying what the
2 procedural steps are from now, what you can anticipate. What
3 we're doing right now is this step referred to as preparing the
4 final rule. The steps of going to Washington, going for review
5 by the Office of Management and Budget, O and B, those are
6 outlined there and I will go through them individually.

7
8 The final rule will be released to the public in
9 January of '99, just after the new year. New changes in the
10 regulations, proposals to change the regulations would come up
11 for the year after that, for the year 2000. So not now but
12 soon you all will be helping us with revisions with proposals
13 to change the fisheries regulation. The first year, those regs
14 come out in '99 and they will cover the year, the 1999 fishing
15 season, but we will accept proposals for change for the year
16 2000 regulations.

17
18 There's an item here about the budget question, that
19 obviously a new program responsibility of this scale will
20 require new budgets and new Staff. There's a lot of
21 uncertainty at this point still about what kind of funding
22 levels will be provided. Generally, the status is that in
23 fiscal year '99, in the first year of the Federal program after
24 the new year, the funds will have to be redirected from
25 existing programs. There's no new money. So it will be a
26 skeletal crew, we will have to be very careful about the
27 staffing levels and about the new expenditures during that
28 first year because there is no new money. For the year 2000,
29 the President's budget request to the Congress does include new
30 money. So there may be a phase in period if you follow me
31 because of the budgetary side of this.

32
33 Next, this item mentions these ongoing developments on
34 contracting, cooperative agreements, annual funding agreements
35 with tribal organizations, ADF&G and the universities for stock
36 assessments and other cooperative projects. Then, as I noted
37 before, there will be a formal evaluation of the Regional
38 Council program and consultation with Councils and public about
39 any changes that might make the Regional Council program more
40 effective under fisheries, particularly, this issue of
41 coordination for drainage wide management, like the Yukon
42 drainage where there are three separate Councils. There's an
43 item on staffing plans, these organizational planning efforts.

44
45 And finally, there's a very significant discussion
46 underway with the Alaska Department of Fish and Game to work
47 out kind of a system for cooperative or joint management.
48 There are -- this is fairly an important item. The Federal
49 program, at this point, does not have a historic experience on
50 the ground managing complex fisheries, commercial fisheries,

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1 personal use and sport fisheries in some areas, and very
2 widespread subsistence fisheries. That's a very complicated
3 resource management question. Run estimates and monitoring
4 returns of runs, changes in timing in an individual year, that
5 requires a staff on the ground and it takes some time to get
6 good at it. So the Federal program has been very cautious
7 about assuming that we could do all of those things out of the
8 gate. On the contrary, the Board has emphasized a number of
9 times, as have many Council members, that we need to take
10 advantage of the expertise that now exists within the Alaska
11 Department of Fish and Game. We can't operate a counter
12 purposes. We have to ensure that resource information is
13 freely shared between the State and the Federal programs and
14 that we don't have have breakdowns in management that are
15 caused by two managers in two sections of the river failing to
16 communicate and to cooperate. So there's a great deal of
17 emphasis at this point on figuring out the details of
18 cooperation with the Alaska Department of Fish and Game.

19
20 I guess I'll end by saying that the profile of this,
21 the significance is high enough that there's actually a meeting
22 September 25th.

23
24 MR. RABINOWITCH: Friday.

25
26 MR. BRELSFORD: This Friday of the Chair of the Board
27 of the Fisheries, the Chair of the Board of Game, the
28 Commissioner of the Alaska Department of Fish and Game, a
29 Governor's office representative and the Federal Subsistence
30 Board, the senior decisionmakers in the State and Federal
31 system to layout an action agenda to workout the specifics of a
32 cooperative approach. That is a very high profile commitment
33 by the Federal Board and it will be an area of further
34 discussion and further elaboration. But I really want to
35 emphasize that, so that as you hear more about it you'll kind
36 of have a picture of why it's such a big deal.

37
38 And with that, Madame Chair, I hope I haven't
39 overstayed my welcome and I would invite any questions or
40 comments or additions from my colleagues if I left something
41 out.

42
43 MR. BUCK: By December 1st, I would like to see a map
44 of the Seward Peninsula where our jurisdiction over the lands
45 and of the waters, where it's definitely -- where we're going
46 to have jurisdiction over that. Also maybe you'll have a grey
47 area for questionable ones that we're going to be talking about
48 proposing. Also that extraterritoriality lands, where you're
49 thinking about might be, maybe something on that. But I'd just
50 like to have a quick map so I can glance at it and tell which

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1 area is -- just by glancing at it, which area's we're talking
2 about for our jurisdiction, especially to show our Council's
3 that are going to advise us.

4
5 MR. BRELSFORD: I'll see what we can do. I know that
6 the map team has been working on updating these Federal waters.
7 I think they've actually concluded that analysis. Well, let me
8 say, Pete, I think you're asking that it be updated from the
9 version.....

10
11 MR. BUCK: Yeah.

12
13 MR. BRELSFORD:that we provided to you last year.

14
15 MR. BUCK: But what I'm talking about is December 31st,
16 you know. December 31st, before our next meeting we'll have a
17 visual -- maybe that's it there, but you know, I'd like to know
18 exactly which areas we have jurisdiction.

19
20 MR. BRELSFORD: Fair enough.

21
22 MR. BUCK: We got questions, you know.

23
24 MR. BRELSFORD: Right. A definitive map. And so these
25 -- this one is accurate for many -- for most of the waters.
26 There are special cases, the pre-statehood areas that we would
27 need to mark up and add on to the map.

28
29 MR. BUCK: Okay.

30
31 MR. BRELSFORD: And I think we have a responsibility to
32 get final information on the Alaska Maritime Refuge question
33 that you raised.

34
35 MR. BUCK: All that will be by December 31st. After
36 December 31st, we should have a complete visual map that we can
37 use.

38
39 MR. KATCHEAK: Madame Chair, Ted Katcheak. Maybe what
40 we could do is ask for a map so that where the fish goes in and
41 spawns, something that's so -- like Fish River or Unalakleet
42 River. And I'm sure the Department of Fish and Game has some
43 maps that will show what rivers are -- where the fish go into.

44
45 MR. BRELSFORD: Ted, if I understand your question, you
46 would like a map that identifies the migration pathways of the
47 species to spawning areas of the fish?

48
49 MR. KATCHEAK: Yes. Is there such a thing?

50

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1 MR. LEAN: This is Charlie Lean with the Fish and Game
2 Fisheries Divisions. The maps that we have regarding fish
3 habitation are refer to rearing, not necessarily spawning.
4 Just the presence or absence of fish, I guess. And so we --
5 they're very -- an inch thick stack of maps. It's a fairly
6 thick book. So we have that information duplicating it, it's
7 kind of an unweilding book. It's a thick book, it's about a
8 third the size of this desk and it's an inch thick just for the
9 Seward Peninsula.

10
11 MS. DEGNAN: Chairman Cross, also the Coastal
12 Management Program has a lot of maps and they have spent a lot
13 of money to prepare maps with the assistance of the residents
14 in the region so that this group can also use those maps along
15 with what Fish and Game has and use that as resource
16 information. And these were provided to all the villages in
17 the region so they have access locally and they're in the City
18 Council's and also the IRA Councils and Corporations. So that
19 wouldn't cost anymore money to produce and what's available.
20 But I think what the Council members are referring to is that
21 we need to have listings for this Council of all the resources
22 that -- data resources that are available to us to help us in
23 our work for the region and we need to have more or less like a
24 bibliography of all -- where we can find all these information,
25 so that if individual villages are interested in finding out
26 more information they know they can access Charlie, they can
27 access the different programs and get copies so that we don't
28 have to reinvent the wheel. And another thing is that the
29 Council should rely on the massive local knowledge that we have
30 out there because this is where basically all the information
31 is coming from for the Fish and Game and for all these other
32 programs; is from the people who are using the resources. And
33 they're the ones that are being effected by all these
34 rulemakings that we're in the process of going through. And
35 they really want to know, do they still have the right to
36 pursue their lifestyle, and that's the bottom line. And
37 everybody else that is doing the surveys and doing the studies
38 are the ones that are getting a paycheck and insurance of their
39 continued existence by using them as resources. And in the
40 meantime, they'll get arrested for not complying with the rules
41 that were made for them with their information and then they
42 can't harvest. That's my concern. So we need to have that
43 communication line wide open so that the individuals in the
44 villages impacted, the users, know the rules that we're making
45 will accommodate the continuance of their lifestyle or is it
46 going to stop them right in their tracks.

47
48 Thank you.

49
50 CHAIRMAN CROSS: Regarding that information you were

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1 asking, were you pertaining to the areas where the Federal
2 government would have jurisdiction or were you asking for the
3 entire region?

4
5 MR. KATCHEAK: General area or the region.

6
7 CHAIRMAN CROSS: Entire general region.

8
9 MR. KATCHEAK: Entire region.

10
11 CHAIRMAN CROSS: So would it be accurate if what
12 Frances was saying, that the information, will you be able to
13 find that information, some sort of directory, would that
14 adequately satisfy you in terms of -- because he was saying,
15 you've got really thick maps, just for you to know where these
16 can be found?

17
18 MR. KATCHEAK: Yes.

19
20 CHAIRMAN CROSS: Where the information can be found?

21
22 MR. KATCHEAK: Yes.

23
24 CHAIRMAN CROSS: So is that something that would be
25 possible, some sort of resource pamphlet for people would be
26 developed?

27
28 MR. BRELSFORD: Well, I think we all have to keep in
29 mind that this is going to be a big new job, and we're going to
30 have to take small steps before we take big steps. I think
31 Fran makes a very important point in the idea of using existing
32 resources and connecting with programs that have already done
33 work of this sort.

34
35 CHAIRMAN CROSS: Uh-huh.

36
37 MR. BRELSFORD: What I guess I would take away from
38 this conversation so far is we might see if we can come up with
39 additional copies of the CRSA, the Coastal Resource Service
40 Area maps, and they would provide a general overview of
41 resource distributions that might be a good starting point.

42
43 CHAIRMAN CROSS: Uh-huh.

44
45 MR. BRELSFORD: That would seem to me to be a way of
46 taking advantage of existing good tools and bringing those into
47 the Regional Council. But we're going to -- it's going to be
48 some time before we will have fisheries biologists meeting with
49 you on an ongoing basis and kind of all really get up to speed
50 on the fisheries management question. So I think we're going

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1 to have to ease into this.

2

3 CHAIRMAN CROSS: That's what we have now.

4

5 MR. BRELSFORD: Right.

6

7 CHAIRMAN CROSS: Instead of spending anymore additional
8 monies?

9

10 MR. BRELSFORD: I don't think it's realistic to think
11 that we're going to prepare a lot of new resource abundance and
12 maps about spawning areas, distribution of species and so on,
13 that's -- I don't see that happening between now and January.
14 The land status maps that Peter referred to, we do have to do
15 those. The areas where we will have responsibility, those have
16 to be mapped out clearly and completely. But some of the rest
17 of it, I think we probably want to start with existing
18 resources and get a little more focus as time goes on.

19

20 MR. EDENSHAW: Madame Chair, this is Cliff. Earlier
21 this year, prior to our meeting in Unalakleet and then when we
22 rescheduled it to Anchorage, I sent out to all the IRA Councils
23 portions of the proposed rule that would be effected in this
24 region, mainly shellfish, methods and means for harvesting
25 subsistence fish and the fisheries and shellfish. Those were
26 mailed out. And if you look in your Council booklets, not this
27 one here in '98, but the winter one in '97, those also included
28 -- were included the information that Ted and Fran have brought
29 up in terms of delineation here in the Seward Penn that would
30 be effected under the proposed rule. So those are in your
31 booklets and if you'd look through some of those you'd find
32 that information in there as well that I -- and all the
33 Councils -- IRA Councils here in the region I mailed those to
34 also.

35

36 MR. MENDENHALL: Has anything been mailed out to the
37 village corporations and regional corporations as well because
38 they are impacted directly and indirectly in the region.

39

40 MR. BRELSFORD: Perry there was a very widespread.....

41

42 MR. MENDENHALL: Mailouts?

43

44 MR. BRELSFORD:publicity effort on the proposed
45 rule in December of '97. We did a four page flyer that went to
46 the whole mailing list. A larger mailing with full copies of
47 the proposed rule and a map and some summaries, some
48 explanatory summaries that went to Regional Councils and to
49 some of the local entities. I'm not quite sure which ones
50 exactly. It was put on the web page. We held 41 public

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1 meetings to discuss the proposed rule at that time. We will do
2 something similar to that at the time of the final rule, a very
3 widespread mailing and publicity effort so that if people
4 didn't get it and they want it, they can call and we'll send it
5 out. So our responsibility is to try and communicate this as
6 effectively as we can.

7
8 I guess let me close on that point by saying that by
9 March of next year when the fisheries regulations would go into
10 effect, we will have designed a new public booklet similar to
11 the orange one on wildlife that has a real clear, district by
12 district, breakout of the regulations, pretty quick to --
13 pretty easy to find the specific information that you need.
14 These Federal Register documents are hard to read and hard to
15 find exactly what you're looking for. So after the final rule
16 is issued in January, we will move very quickly to prepare a
17 public version of the fishing regs and send that out in the
18 same way that we do on the wildlife regulations.

19
20 CHAIRMAN CROSS: Seeing that it's after 12:00, I think
21 I will call for a lunch period. What is the wishes of the
22 Council, the time for lunch? Until 1:30? Okay. So we can
23 continue with this anymore after lunch and for now we'll break
24 until 1:30.

25
26 MR. BRELSFORD: Thanks for your kind attention.

27
28 (Off record)
29 (On record)
30

31 CHAIRMAN CROSS: I'll call the meeting back to order.
32 It's now 1:40. Do we have anything more from the fisheries
33 management update? Taylor, do we have anything further from
34 you?

35
36 MR. BRELSFORD: Madame Chairman, I don't think there
37 was anymore from the standpoint of a presentation. And I think
38 maybe we've kind of done our business on the fisheries at this
39 point and it might be appropriate to move on in the agenda.

40
41 CHAIRMAN CROSS: Does anyone have any questions for
42 Taylor, first of all? Okay, hearing none, thank you very much.

43
44 MR. BRELSFORD: Thank you for your attention.

45
46 MR. MENDENHALL: What would take place if the State did
47 react before December 1st, in a positive way, but it seems
48 unlikely? Maybe.

49
50 MR. BRELSFORD: Well, I'm not aware of any movement

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1 afoot in the State government to reconcile or come up with a
2 solution. There is a small possibility of another moratorium
3 that would delay for another year. Representative Hanson has
4 introduced a moratorium at the request of Representative Don
5 Young, and it would just freeze the status quo for one more
6 year. But that's on a bill that has some other provisions the
7 White Houses opposes. We're told that it's unlikely to go
8 forward. And so all of the planning in the Federal program
9 right now is on the basis that we will go ahead after December,
10 that there's not going to be another moratorium. But Congress
11 is -- we won't know until December and I think you guys might
12 watch the news the same us just to see if there's any late
13 breaking events on the Federal subsistence question in
14 Washington.

15
16 MR. MENDENHALL: At this time do they have a task force
17 defining subsistence for this area, Nome, declared a disaster
18 area waiting to see what Federal can do with Area M and
19 whatever and high seas on the Federal level; how that would
20 impact subsistence chums?

21
22 MR. BRELSFORD: I'm aware that the Governor appointed a
23 scientific review group to try and identify the causes of
24 population of salmon -- population problems. And then there's
25 some emergency efforts for economic relief in Western Alaska.
26 As far as I know none of those have had any participation on
27 the part of the Federal Subsistence Staff. So they may be
28 separate programs at this point in time.

29
30 MR. MENDENHALL: And I believe there was regional input
31 from ACVP, Bering Straits and other regions trying to also come
32 to a resolution on shortage of salmon. And I was just
33 wondering if we were keeping abreast with those type of data
34 that they're working on?

35
36 MR. BRELSFORD: I would say that some of that is part
37 of the discussion on coordination with ADF&G and trying to have
38 data exchanged -- free exchange of information as the Federal
39 program would move into fisheries. I think we're not going to
40 get real, real active in that area for a few more months,
41 probably until after the first of the year and that is going to
42 require some more fisheries biologist staff before we would get
43 real active.

44
45 MR. MENDENHALL: And there will probably be more
46 meetings than twice a year if that's the case?

47
48 MR. BRELSFORD: I think the starting point, Perry,
49 would continue to be two meetings each year. But at one
50 meeting you would be reviewing technical analysis on fisheries

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1 and making recommendations, the two systems would overlap each
2 other. So in the fall time, you would introduce wildlife
3 proposals but you would make your final recommendations on fish
4 proposals. And then in the winter meeting you could introduce
5 new fish proposals and at that point you would be finalizing
6 your recommendations on wildlife.

7
8 MR. MENDENHALL: The reason I ask this is I want it in
9 the record that there is concern still on the fisheries from
10 this area.

11
12 MR. BRELSFORD: Uh-huh.

13
14 MR. BUCK: With the new management of the fisheries for
15 the Federal Subsistence Board, I was wondering since we
16 increased our Board to 10, I wonder if it would be necessary to
17 -- instead of having four meetings a year, have meetings six --
18 every two months, six times a year. If we run into a lot of
19 problems with the fisheries and the management of lands, maybe
20 we'd want to think about having a meeting six times a year
21 instead of four times a year.

22
23 MR. MENDENHALL: All I want is it to be on the record
24 now so it would be in the minutes on those concerns, that's why
25 I brought this up. So if the issue does come about in reality,
26 then we got something to stand on.

27
28 CHAIRMAN CROSS: Anybody else have anything further for
29 Taylor? Nobody. Thank you, Taylor.

30
31 I want to go back to 8(A), the proposals to change
32 Federal Subsistence Regulations. Now, that everybody had a
33 chance to look at the yellow book, and I want to ask if any of
34 the Regional Council members have any proposals regarding any
35 type of changes in these. I know when we were out at lunch
36 there was a question as to why there was a difference between
37 -- well, some of the c&t uses that -- like in moose, it says,
38 rural residents of Unit 22, and then if you go to beaver, it
39 says all rural residents. And somebody wanted an explanation
40 why there was a difference and perhaps somebody from the Staff
41 can do that before we go on.

42
43 MS. H. ARMSTRONG: What happened with the c&t was we
44 originally adopted the State's c&t regulations and those -- the
45 State didn't do c&t for all resources, they only did c&t for
46 resources where there were issues -- generally speaking, there
47 are some exceptions, but major issues -- and so the resources
48 where there's not much competition where you aren't getting
49 people -- hunters from outside the region coming in and
50 especially sport hunters, then they didn't do c&t for. We

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1 adopted the State c&t regulations and then as you, who have
2 been on the Council for a while, know that we have, over the
3 years, made some changes to some of those c&t determinations.
4 And there has never been a request to change some of those on
5 some of the west -- I don't know how to put it, it would be the
6 animals that there's not as much competition for, like grouse
7 and ptarmigan and hare and coyote, those sorts of animals.
8 They certainly -- you certainly could make a request to make it
9 all residents of Unit 22. There would nothing to keep you from
10 doing that if you so chose.

11
12 CHAIRMAN CROSS: Thank you. Does that explain? While
13 we were on lunch break, too, I'd like -- Ken Adkisson was
14 talking to me during the lunch period regarding the -- is it
15 proposed changes to the muskox, right?

16
17 MR. ADKISSON: Right.

18
19 CHAIRMAN CROSS: Maybe you should address that now as
20 we go through this area.

21
22 MR. ADKISSON: Yes, my name's Ken Adkisson. I'm with
23 the National Park Service, Western Arctic National Park lands
24 stationed here in Nome. What I'd like the Council to do is
25 consider the current muskoxen regulations for Unit 22(D). And
26 if you look in the book about halfway down you find that it
27 says, 12 Federal permits may be issued in conjunction with the
28 State Tier II hunt. The combined total of Federal and State
29 permits will not exceed 36 permits. Six permits will be issued
30 for National Park Service lands and six for Bureau of Land
31 Management lands. And I think what you folks might want to
32 consider doing is amending that regulation to strike that last
33 sentence that reads six permits will be issued for Park Service
34 lands, et cetera, and I'll explain why.

35
36 We've had to impose a restriction fairly early on from
37 the beginning of the hunt and that was primarily for
38 conservation reasons to maintain healthy populations of
39 muskoxen on Federal public lands. If I could step over to the
40 map for a moment for those of you who may not be familiar with
41 the issue. The subunit that we're talking about is 22(D) which
42 is essentially the central part of the Seward Peninsula, the
43 Port Clarence and Brook Basin area, American Rivers, Kuzitrin
44 Pilgrim Rivers, and the Federal public lands in 22(D)
45 compromise a very small percentage of the total lands in the
46 subunit. The remainder of the lands and the bulk of the lands
47 are State or private lands, and so you have a little bit of
48 scattered Bureau of Land Management lands in the western
49 portion and a section of Bering Land Bridge National Preserve
50 in the eastern portion. There's also generally only a small

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1 percentage of the muskoxen population within that subunit that
2 is generally located on Federal public lands at the time each
3 year -- or every two years when we do the count. So since the
4 Federal hunt began in 1995, this 22(D) portion has been plagued
5 with criticisms and concerns over over harvesting of animals
6 off of the Federal public lands, especially as the harvest
7 levels continue to increase. So what happened was the area is
8 essentially divided into two halves and the hunt -- the intent
9 was made to distribute the harvest from both sections of the
10 area. What this means is that for folks living in Brevig
11 Mission and Teller, some of their hunters have to travel from
12 the western portion all the way over to the eastern portion to
13 harvest animals. And you know, we've always -- you know, the
14 Park Service has supported that restriction or requirement, but
15 at the same time we recognize that it is -- it is in some cases
16 a very, very severe hardship on the hunters and it's not a very
17 practical answer to things other than in dire conservation
18 needs and times.

19
20 I think the situation has changed sufficiently that you
21 may want to consider relooking at that. And what basically
22 brought about the change was, this year the State Board of Game
23 enacted a Tier II subsistence hunt for muskoxen and that was
24 followed up by a request from this Council here to the Federal
25 Board to adjust the Federal hunt harvest levels to allow that
26 State hunt to take place. Basically what happened was we setup
27 a framework for a joint State and Federal muskoxen hunt to
28 share an overall total harvest quota, and then setup an
29 allocation system where the permits could be distributed
30 between the State and Federal portions of it. We weren't sure
31 how that was going to work. But based on this years results it
32 would appear to have been a really pretty good success. We
33 don't have a lot of harvest information yet. Kate, will,
34 perhaps talk a little bit about that later. But what we do
35 have now, at this time, indicates that most of the village
36 hunters, even at this point who have been successful have been
37 harvesting with State permits and not Federal permits. And the
38 reason for setting up that hunt was to improve hunting
39 opportunities for the Federally eligible users. And it would
40 do that by opening State and private lands closer to the
41 villages that had previously been closed and they couldn't hunt
42 on them, thus allowing them to hunt closer to home. It would
43 allow them a wider selection of animals to harvest from. And
44 it would also have the practical point of view of, perhaps,
45 disbursing some of the hunt, and that's what brings us to why I
46 want to talk about removing this restriction.

47
48 To show you what happened, this year for the '98/99
49 hunt, there were a total of 64 permits issued. And that's for
50 subunit 22(D), 22(E) and southern 23 -- 23 southwest. Thirty-

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1 five of those permits were State permits, 29 of them were
2 Federal permits. And at the time that this joint hunt was
3 being proposed, there was a lot of concern among many villagers
4 about willingness to participate in a State managed hunt for
5 fear that, you know, they wouldn't be able to compete for
6 permits and too many permits would go to outsiders and that
7 sort of thing. And looking at the final results, I think, are
8 pretty gratifying. Of all 64 permits, all of them went to
9 Seward Peninsula residents, both Federal and State permits. So
10 no permits went outside the region. When we look at the
11 subunits, for example 23 southwest, which is this area up here,
12 Buckland and Deering were very reluctant to participate in the
13 State hunt and wanted to keep most of the permits Federal.
14 Their breakdown was two State permits and eight Federal
15 permits. The village of Deering got both the State permits and
16 the other eight Federal permits were distributed between the
17 two villages. So all 10 permits for 23 southwest went to 23
18 southwest residents. For 22(E), which is the northern part of
19 the Seward Peninsula, based on a formula, there were 18
20 permits. Nine of those were State permits, nine of them were
21 Federal. All nine of the State permits went to residents of
22 22(E). And the nine Federal permits, of course, went to 22(E),
23 so that -- all of the permits available went their. 22(D),
24 which is the area that we're talking about didn't quite have
25 the same level of results. But I don't think it's a really bad
26 situation. There were 36 permits available for 22(D), 24 of
27 those were State and 12 of those were Federal. Of course the
28 Federal permits, basically the 12 Federal permits were divided
29 between Brevig Mission and Teller, six each. Four of the State
30 permits went to residents of Brevig Mission, six of them to
31 Teller, that totaled 10 State permits. That left 14 22(D)
32 permits outstanding. Nine of those went to Nome residents,
33 22(C) residents. Four of them went to White Mountain
34 residents, that's 22(B). And one of them went to a Golovin
35 resident, that's 22(B). So basically things still worked out
36 pretty well.

37
38 And from what harvest information we've got right now
39 and like I say, Kate may elaborate more on this, probably right
40 now the highest success that we're having, just by Nome
41 residents, essentially hunting fairly close to the road system
42 in eastern 22(D). And my guess is if this pattern holds over
43 the next several years, those animals are going to hit pretty
44 hard. So I think there's some biological reason for suggesting
45 we shouldn't add cumulative hunting pressure over there in the
46 east. And if, especially, residents of Brevig and Teller are
47 willing to transfer several more of their current Federal
48 permits over to the State system, I think we could, you know,
49 put to rest the issue of over harvesting of Federal lands, and
50 that's really what we would like to try. After we really have

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1 the results of this years harvest in hand we'd like to meet
2 with the residents of those communities and perhaps Elmer could
3 address this if he'd like, and suggest and see if they would be
4 interested in say, reducing their 12 Federal permits down to
5 six and transferring those other six over to the State hunt
6 system. And I think if we can do that we can lift that
7 restriction that's currently there.

8
9 And what I'd like you to consider today is suggesting
10 a regulatory change, a proposal, to lift that restriction as
11 soon as it's no longer necessary for conservation purposes.
12 That would position us at the end of the year, hunt year, to
13 have the data in hand and hopefully carry it one step further
14 so that that restriction could be removed for the 1999 hunt.
15 And that's basically all I've got to say on the restriction.
16 If you have questions I'd be glad to entertain them.

17
18 MS. H. ARMSTRONG: I just wanted to clarify for people
19 who are new on the Council that all you have to do today is to
20 decide that if you'd like to make a proposal -- if this Council
21 would like to make a proposal. You don't have to decide how
22 you'll vote on it or anything like that, it's just putting the
23 proposals so that we can get an analysis. Just so that we
24 don't have to -- you know you don't have to make any decisions
25 today other than making a proposal or not. And I think if you
26 don't choose to make a proposal, it might be something Park
27 Service might do anyway, I don't know.

28
29 MR. ADKISSON: Yeah, the only reason I'd like to get
30 the ball rolling so to speak is, is that I don't want to have
31 to go the special Board with another Special -- or go to the
32 Federal Board with another Special Action related to muskoxen.
33 I think they're tired of that. I don't want to wait until we
34 find out that everything's rosy and then try to remove the
35 restriction and say, well, can't do that this regulatory year
36 you'll have to wait another year because it is a hardship on
37 those hunters. If we go in with a regulation proposal change
38 now, if the situation warrants it and we don't want to take it
39 any further, we can withdraw it or defer it, but if the
40 conditions turn out the way we think they will, it will be
41 there and we can simply enact it and begin next year's hunt, so
42 to speak, with a clean slate that I think will better serve the
43 residents of Brevig Mission and Teller.

44
45 MR. RABINOWITCH: Sandy Rabinowitch with the National
46 Park Service. I would just amplify the comments that Helen
47 made. If the Council makes a proposal, it doesn't mean that
48 you've got to vote in favor of it at your winter meeting. All
49 it means is that it's written and analyzed, you've got a full
50 presentation on the benefits, you know, the pros and the cons.

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1 Then you decide at your winter meeting if you want to support
2 it or not. And a number of Councils around the state will put
3 proposals on the table in the fall and sometimes in the winter
4 they support them and sometimes they decide that it's not a
5 good idea and they don't want to. So it's really just moving
6 something along, there's no commitment one way or the other.

7
8 MR. KATCHEAK: Madame Chair, I have a question to Mr.
9 Lean. The State has no trouble with this recommendation?

10
11 MS. PERSONS: No, the State doesn't have a problem with
12 it. Kate Persons, Fish and Game. We don't have any problem
13 with it.

14
15 MS. DEWHURST: One of the things you should consider if
16 you put this in as a proposal, you should either buy off on the
17 whole package or none at all. And when I say the whole
18 package, I mean also considering the idea of shifting six of
19 those permits over to the State. Because when this was enacted
20 it was in concern that BLM felt eight muskox being taken off
21 the small portion of BLM lands was too many per year. Well,
22 now we're talking 12 permits. And if we don't shift some to
23 the State, then just removing that restriction will mean that
24 potentially 12 animals could be taken off of BLM per year. I
25 don't think BLM is going to swallow that if they made the
26 restriction in the first place because they thought eight was
27 too many, well, 12's more. So the only way I think BLM, who's
28 the land manager of the lands we're mainly concerned about will
29 support this is if it was the joint package of removing the
30 restriction and shifting some of those permits on to the State
31 hunt so that the hunt could be distributed off of Federal
32 lands. So the only reason I mention that is like, with Elmer,
33 if you know that Brevig and Teller are going to be reluctant --
34 this is just an if, if they'd be reluctant to shift those over
35 to the State, you might want to hesitate on this. Because the
36 only way it's going to work is the combination. Without
37 shifting some of the permits over to the State, I don't think,
38 just in a preliminary -- you know, just looking at the logic of
39 it, I don't think it's going to go very far, just because BLM
40 was the one that made this restriction in the first place.

41
42 MR. SEETOT: Madame Chair, yeah, you raise the question
43 there on -- I think in the past meetings I heard that the
44 biologists on the Federal side would, you know, would like to
45 maintain a certain percentage, you know, or a harvest rate of
46 the animals. How do you know that that certain percentage will
47 be there year after year? You know, it's not going to be the
48 same all the time. Is that number of 12 going to be the same
49 year in, year out, as Mr. Ken Adkisson stated?

50

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1 MS. DEWHURST: Well, I'm just saying that's how --
2 that's why the regulation was put into effect, was BLM felt
3 eight was too many. Well, if we suddenly take this restriction
4 off then we're going to be talking 12. And the reason BLM put
5 it in was they said eight was too many, well, I don't think
6 going on the same logic they're going to suddenly support
7 upping it when the reason they put it in in the first place was
8 they said eight was too many. And so that's just my guess, is
9 -- you know, I'm guessing on this.

10
11 MR. SEETOT: When they first started out the hunt, you
12 know, the National Park Service or the Federal government
13 stated that, you know, there would be a certain number. And
14 then they looked at the population on Federal lands, the FSB,
15 you know, of the Alaska Department of Fish and Game came in and
16 said that we needed an RFR reduction proposal because the
17 population of animals are not in these shaded areas. Now, they
18 have this recommendation when the Muskox Cooperative Group,
19 that a certain percentages, 50, 70 -- 50/50 or 25/75 split and
20 then they come up with a certain number. One, when Ken was
21 talking about was that this year was kind of unique in a way
22 that the muskox in 22(D), primarily half of it was taken by
23 residents of Brevig and Teller, the other half, under the State
24 permit went to Nome, White Mountain and Golovin. Ms. Kate
25 Persons and I think Fred Tocktoo of National Park Service went
26 to these communities to help residents fill out the
27 applications for a State Tier II permit hunt. I try to make a
28 big effort to get everyone signed up. I think that out of the
29 number that signed up, only about 20, 25 percent had enough
30 postage, you know, or enough money to send them out. The other
31 75 percent, you know, had bigger opportunity, you know, what's
32 32 cents compared to, you know, the other stuff. Either they
33 forgot to mail them or they didn't confide in the State for
34 managing muskox hunt. I have talked about this problem with
35 Ms. Persons and with other people, and I think we got to make a
36 concerted effort to mail in all the applications that are filed
37 within Teller and Brevig, that that would kind of eliminate
38 people from Nome and, you know, other areas. This year was
39 pretty unique, was that only nine were able to mail in their
40 applications and all nine got their permits. If all the
41 persons that mailed in their applications last spring to the
42 Department of Fish and Game, you know, were looked at, then I
43 would think that all the persons that mailed in their
44 applications, you would have gotten priority, these people
45 being Teller and Brevig Mission. And I think that that's one
46 of the recommendations that's being made to the traditional
47 councils to at least mail in their State Tier II application.
48 This is the first time that I had looked at Tier II
49 application, you know, it's pretty scary every time you fill
50 out the application. If I filled out the application, then I'm

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1 under the regulations of the State, you know, Department of
2 Fish and Game. And then a great many people that I know, I'll
3 mention, you know, they go out and get moose, they don't have a
4 hunting license, they don't have a permit. They do it
5 silently. I seen it with my own eyes, I can tell you that.
6 That's as far as I will go in saying that. The hunting ticket,
7 when the seasons are open and when the people, you know, have
8 traditionally gotten their meat and fish and game -- or birds,
9 we make plans over the years -- we make plans in the spring to
10 get X amount of birds, a lot of factors come into play where we
11 have snowmachine problems, where the weather isn't too good or
12 something else happens, where our X number of birds, you know,
13 just migrate down. The same way with the fish. The same way
14 with the animals. I used to really be in support of muskox to
15 really try and get them off, you know, our area, but I guess
16 that's just the way nature works. I was really against muskox,
17 because one, it ate the sourdock from our area. This year was
18 the first time I went to that same area, you know, where they
19 eat, the muskoxen, they kind of wiped them out last year. But
20 one of the things that I kind of overlooked was that when you
21 harvest or gather plants from where you pick, you know, the
22 more you pick the more the grow, and then I thought with the
23 muskox just wiping out the sourdock, they would disappear, but
24 apparently, I guess, you know, they just kind of flourished a
25 little bit more. The more you gather, the more you hunt, you
26 know, the stronger the population are according to what I hear
27 over the years, you know, from the elders.

28
29 Muskox, I think, will be a little different next year
30 because like I said, any person that fills out an application,
31 their application will be mailed in and the majority, you know,
32 will be so elicited from Teller and Brevig. Thereby
33 eliminating, you know, the Nome, Golovin and White Mountain
34 people. Because, one, they say that the Tier II application
35 looks like at the economical disadvantages, you know, that
36 these villages have. And that's going to be pretty different.
37 I don't think that Teller and Brevig is going to look at the
38 same thing over and over again. You know, just going to happen
39 over and over again. But I would like to thank Ms. Kate Person
40 because they gave us notice but we had to try to get the people
41 to, you know, really fill out the applications. I didn't think
42 that they had enough confidence in the State, you know, to
43 manage these resources, but they have, over the years, managed
44 these resources. It's just that the people, you know, just
45 have to be more active or be more discreet, you know, in how
46 they get their game. Because I would say that 50 percent of
47 the game harvested within the area, it's not reported.

48
49 MR. KATCHEAK: I have a question for Mr. Seetot. Do
50 you think the recommendation that Ken Adkisson made earlier, do

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1 you think the village of Brevig Mission would go along with?

2

3 MR. SEETOT: I'm not sure. I would have to talk with
4 the residents. I think that we could go to that long distance
5 travel. That's one of the things we're doing right now with
6 caribou. We can go that much distance for a caribou then I
7 guess in order to protect our quota, then you know, we'll be
8 able to travel that distance. But I guess that would be
9 dependent on what the communities of Teller and Brevig Mission
10 think about it.

11

12 MR. MENDENHALL: Ken, when we were up there at
13 Fairbanks for the State Board of Game, we said that this would
14 be a test hunt kind of to see how successful it was and whether
15 or not the muskox would be fluctuated that great with the
16 hunts. And I think it was for two years, wasn't it or three
17 years when we were up before the State Board of Game in March?
18 Was it two years or three years?

19

20 MR. ADKISSON: I'm not sure. Kate could probably tell
21 you when the State Board of Game normally would revisit muskox.

22

23 MR. MENDENHALL: It's two years because they meet every
24 other year.

25

26 MR. ADKISSON: What the State Board did was provide a
27 regulation for the State Department of Fish and Game that gave
28 them the sufficient quota that we could sort of adjust the
29 Federal/State proportions without actually going back to the
30 Board of Game again.

31

32 MR. MENDENHALL: Floating quota.

33

34 MR. ADKISSON: Yeah, a floating quota. And you know, I
35 understand what Elmer says about distance and the only thing
36 that I would say to that is is that, you know, when the caribou
37 are out to the east, you can pretty much be assured when you
38 have a bag limit of like five caribou a day and the caribou are
39 out there, you can travel long distances and probably find
40 caribou and it's really an efficient way to hunt. But when
41 you've got a bulls only quota for muskoxen and you have to go
42 that long distance under the weather and the environmental
43 conditions, it's more of a sport hunt because there's no
44 guarantee when you get out to the preserve that you're going to
45 find a legal animal. It's not like walking into a herd of
46 caribou, that you can take what you want almost from -- you
47 know, you can travel that long distance and maybe not get an
48 animal or even see animals or find a legal animal and all the
49 time you're doing this you're passing by all of these muskoxen
50 in between. And just having to do that, I think is a terrible

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1 temptation who would probably take an animal that's closer to
2 home and maybe an illegal animal. And there's a lot of things,
3 I think, that come into play as the efficiency of subsistence
4 harvest, and so forth. And yeah, I know there are some hunters
5 that travel or are willing to travel long distances, but there
6 are others who aren't and don't have the capability who do have
7 that capability to harvest closer to home. And I think it's
8 just -- you know, the whole purpose of our Federal Subsistence
9 Program in a sense is to reduce the adverse or minimize the
10 adverse impacts to the users. And this is just one case, I
11 think, if we can remove that restriction, maintain the
12 biological health of the population that we really should to
13 benefit the users.

14
15 And I think as far as the test goes, I mean, I don't
16 know how many years we need to wait for it to happen, but I
17 think from my own point of view, looking at the distribution --
18 the biggest question was, who in the heck is going to get the
19 State's permits. That was the biggest question that people
20 were asking, and they were really -- villagers were really
21 concerned that they were going to be overrun by outsiders. And
22 I think, you know, the results of this year's trial, so to
23 speak, were very, very positive overall. And I think if people
24 like in Brevig and Teller see the success of hunters like Elmer
25 and others who hold State permits, and I think, you know, as
26 they get more familiarity with the program, exactly what Elmer
27 is predicting will probably come true, and that is, that more
28 people will apply and more people in those two communities,
29 hopefully will get permits.

30
31 You know, we can wait. But the longer we wait, it's
32 just more of an imposition on those hunters and I don't think
33 it's necessary.

34
35 MR. MENDENHALL: But there is a point for reevaluation
36 and taking a look at it, that's why just the floating
37 quota.....

38
39 MR. ADKISSON: Yeah.

40
41 MR. MENDENHALL:between the Federal and State.

42
43 MR. ADKISSON: And that's what we're kind of doing now,
44 is we're looking at the results of this year's distribution and
45 saying, well, you know, maybe we can go ahead and fine tune it
46 to work better for folks.

47
48 CHAIRMAN CROSS: Of course it's only the first year and
49 I'm not surprised it's favorable to the communities where hunts
50 have occurred before, but that doesn't guarantee them a change

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1 next year or some other years because we're talking about the
2 residents of Nome and Golovin. They're now getting Tier II
3 permits to hunt muskox and I want you to remember when --
4 remember the initial Teller audio conference, where the people
5 at Teller -- they only supported a Federal hunt. It wasn't
6 until later that they decided to support a State hunt. And if
7 I remember correctly, I think Brevig had about the same
8 problem, too, they weren't sure if they should even consider
9 having a State hunt. I don't think one year, simply because
10 nine permits from the State went to those two communities, I
11 don't think the fear has subsided, I think it's going to take a
12 little bit longer for people to trust that the State is going
13 to take care of their subsistence needs. That's my opinion.
14

15 MS. DEGNAN: Madame Chairman, I have a question in
16 terms of the distribution of muskox. Are they a non-migratory
17 species, is that what you're saying? That they're only going
18 to reside on that section of where you have the hunt and the
19 permit's open for?
20

21 MR. ADKISSON: Well, I guess the best way to put that
22 is is that generally speaking, especially mixed age and sex
23 groups, the kind of family social groups have a high tendency
24 to winter in very specific areas or within smaller locations.
25 And, no, as a rule, those groups do not move very far
26 geographically either from winter to summer range. But there
27 is exchange, how much, sometimes we don't know, between
28 different age and sex, you know, social groups and some
29 individual animals can exhibit fairly lengthy patterns of
30 movement. Often, for example, moving -- well, just to show
31 you, they were originally introduced down in the sort of
32 southwestern part of the Seward Peninsula and now they've
33 spread out, you know, since the mid-'70s and early '80s, quite
34 extensively. And some individual animals will move --
35 especially bulls, lone bulls, and so forth may exhibit fairly
36 long patterns of movement and then show up somewhere else and
37 come back. But, no, they do not migrate like caribou, for
38 example. And they're a real concern to properly manage them
39 and maintain them.
40

41 I'd only like to point out, I understand all the things
42 Grace is saying and I wouldn't argue for a moment with that.
43 I'd only point out that part of -- this whole thing was a big
44 experiment and it took a lot of work on everybody's part and
45 especially the villagers and also especially the Regional
46 Advisory Council, and I'd like to thank them for their support
47 last year for this, to get this going. And I'd only like to
48 remind you that in the resolution that was passed and stuff, it
49 was contingent on that this experiment basically worked to the
50 betterment of opportunity for the Federally eligible users and

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1 you folks retain the right or the privilege, if it wasn't
2 working go back to the Federal Board and request a return to
3 the status quo. So you know, we could move at whatever pace
4 you folks or the folks in the village want to move.

5
6 MS. DEGNAN: I was referring to the villages that are
7 -- that have the resource near them, although one muskox has
8 been sighted in Unalakleet.

9
10 CHAIRMAN CROSS: Kate.

11
12 MS. PERSONS: Kate Persons, Fish and Game. I'd just
13 like to say that all of the people from Brevig and Teller and
14 White Mountain and Golovin who actually mailed applications in
15 for Tier II permits got permits and Nome people got the
16 remainder. And even though this year those Nome people now
17 will have a history of hunting muskox, still the cost of living
18 in Nome is enough lower than the cost of living in the villages
19 that next year if people from Brevig and Teller apply, even if
20 they have never harvested a muskox, they are still going to
21 outscore people from Nome and -- yeah, and White Mountain.

22
23 MS. DEWHURST: One thing Sandy and I were just looking
24 at, we're not positive on this, this is something we'll have to
25 check on, but we think because that was a Special Action last
26 year that created this new hunt, Special Actions normally have
27 the life of one regulatory cycle. So it was only good for the
28 -- this year. That we think to actually permanently change the
29 reg book, there would need to be a proposal that would put in
30 this State -- you know, the combination Federal/State hunt.
31 Basically the same thing as a Special Action, but it's a full
32 proposal. At that time, it would be real easy to tweak it. It
33 would be real easy to say, well, this is what we want but we
34 want to make these subtle adjustments of moving a couple more
35 on to the State and removing this restriction. You know, it
36 would be easy to make a few minor changes. But I think and I
37 might be wrong on this, but I think in order to put this hunt
38 -- these changes that we did last year that everybody seemed to
39 really support, to make it a permanent change it would have to
40 be on the books or we'd have to do another Special Action next
41 year to enact it for another year. One way or the other. But
42 that action that was done by the Federal Board last spring was
43 only good for this hunting season. So something has to be done
44 to either extend it just for one more year or actually
45 permanently put it on the books.

46
47 MR. ADKISSON: That's an excellent point, it's one that
48 slipped by me frankly, about the nature of the Special Action.
49 And if you folks didn't submit a request, what basically would
50 happen is we simply would go back to the status quo and that

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1 is, that, you know, the Federal program would then be based on
2 three percent of the animals in the subunit and essentially
3 suck up all of the harvest and most of the State hunt would
4 probably disappear and we'd be back arguing over whether we
5 were over harvesting again. So the options of not continuing
6 to follow this, I think, are frankly a little spooky.

7
8 CHAIRMAN CROSS: Sandy.

9
10 MR. RABINOWITCH: Sandy Rabinowitch with the Park
11 Service. What Donna points out, I think, is reflected in Tab E
12 in your book. It's a letter from Mitch Demientieff to your
13 Chairman. And on the third page of the letter on the right-
14 hand side, it says, Special Action 97-14. I think this
15 document is as Donna just said, I was sitting here in the
16 audience thinking exactly the same thought at the same time.
17 And so the way I characterize this is that if you all like the
18 hunt that's now occurring, just how it is, no changes at all,
19 just how it is right now, I think you need a proposal to make
20 that a "permanent," you know, you can always change it in the
21 future, but you need to lock it in, if you will. Because this
22 Special Action, the 97-14 expires. It has a one year life
23 span, so you'll go back to the way the hunt was, as Ken just
24 said, a year ago. So I think it's a technicality but it's a
25 fairly important one. In my opinion, it's a fairly important
26 one. Then whether or not you want to consider the fine tuning
27 or characterize what Ken just offered or not, of course, that's
28 up to you. You could work that into a proposal now or you
29 could modify a proposal to keep things just the way they are at
30 your winter meeting if you so choose. I hope I haven't
31 confused.....

32
33 MR. MENDENHALL: When we went before the Board of Game,
34 it was supposed to be more than one year because they meet
35 every two years on the State level.

36
37 MR. RABINOWITCH: Right, on the State level. But I'm
38 referring to the way the Federal Board works which is a little
39 different. And that because of the timing last year, I believe
40 that we were past the deadline -- I'm looking for heads to
41 agree with me, and so the only vehicle that the Council had was
42 to file a Special Action and so that's what was done and that
43 was fine. But it has a life span of one year. It's a
44 paperwork point, it's a technicality, but an important one. So
45 if you like the hunt the way it is now, with no changes, then I
46 believe you need a proposal to keep it going. Or you have to
47 come back with a Special Action, and those are, frankly time
48 consuming for everybody, yourselves included. And I don't
49 know, at some point, the Federal Board has kind of suggested,
50 you know, they might start getting a little grumpy because it's

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1 easier to do, you know, business on a more regular basis.

2

3 CHAIRMAN CROSS: Yes.

4

5 MR. RABINOWITCH: Human nature.

6

7 MR. SEETOT: Actually a question to Ken. Can you
8 justify having a certain or same population, you know, within
9 Bering Land Bridge Preserve, you know, in that eastern portion?
10 Will there be a certain X number of muskox so that NPS can say,
11 okay, six will come from here and then six will come from BLM?
12 How would you know, do we still keep that six number figure
13 reserved for the northeastern portion of 22(D)? You wouldn't
14 -- like if there's been too much hunting pressure and then they
15 get ridden off that Federal portion?

16

17 MR. ADKISSON: I guess the answer to that, Elmer, would
18 be, you don't exactly know and you may never know until after
19 something happens. But based on the best information that
20 muskoxen biologists can tell us, you know, I think it's highly
21 desirable to spread the impact of the harvest out over the
22 largest number of animals in the widest area that you could do
23 it. And it doesn't make good sense to concentrate the harvest
24 in one small area and keep upping the harvest and applying it
25 that -- that was the basis of our repeated RFRs and all the
26 other contentions. And so the restriction was put in there in
27 the first place to attempt to spread the harvest out. We're
28 not sure that that's necessary at this stage anymore, but it
29 would be nice to, you know, remove it. To make sure, as it was
30 pointed out -- as Donna pointed out, that we don't simply don't
31 go back to a resemblance of what caused the problems in the
32 first place with the State, which was the question of whether
33 we were over harvesting off of the BLM lands. That would be
34 the logic for shifting a few of the permits, Federal permits
35 into the State program.

36

37 One advantage of shifting Federal permits to the State
38 program, by the way, is that for those Federally eligible users
39 who have those State permits, they can hunt on both State and
40 private and Federal lands. They can hunt anywhere within the
41 hunt area. If you have a Federal permit, you are confined to
42 hunt only on Federal public lands. So the State hunt, you
43 know, provides a lot more options for hunters. And like I say,
44 I think, you know, there was a lot of real concern with the
45 villagers and that's why, in the recommendation from the Council
46 here, they reserved the right to revisit it and go back to the
47 Federal Board and say, look, this is not working. And you
48 know, we can wait -- there's not a risk involved, we can wait
49 to see if it works better or works, why we hope it is, or we
50 can begin the process now. And I just think, you know, we can

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1 always withdraw the thing, but I think Sandy and Donna are very
2 correct, in that, if we don't do anything we're going to have a
3 major problem on our hands because this is something that
4 slipped by me, the fact that it was a Special Action and it
5 does expire in a year. And we are going to have to go back to
6 the Federal Board with some kind of request for a basic
7 permanent reg change.

8
9 CHAIRMAN CROSS: Taking away six permits from the
10 Federal lands and shifting it to the State, I don't quite see
11 the rationale because muskoxen don't have -- I don't think I
12 can go up to a muskoxen and ask him, are you a Federal muskox
13 or a State muskox. I believe they just travel all over, don't
14 they, pretty much? So given the six permits to the State just
15 simply, to me, means more muskox is going to be harvested
16 whereas because of the distance of the Federal -- where the
17 Federal permit lands are, because of the distance, it seems
18 like people would most likely go to hunt because they're so far
19 away. It seems to me that shifting the six permits to the
20 State would only make it more available -- make more muskox
21 available to be killed. Because I mean.....

22
23 MR. ADKISSON: Well, that's correct.

24
25 CHAIRMAN CROSS: Because they're traveling all over.

26
27 MR. ADKISSON: Well, no, they don't travel all over.
28 And you're right it would increase the harvest level overall,
29 and that's the goal of it. That's one reason the Muskoxen
30 Cooperators wanted to increase the harvest level from three
31 percent to five percent and why, as Johnson pointed out, I
32 think at one point, Shishmaref had asked for six percent
33 harvest level.

34 I'll go through this once more for -- because some of
35 you haven't been following this over two years, but these
36 animals don't move around a whole lot. Especially the mixed
37 age and sex groups. And they have certain areas that they like
38 to winter in and they generally come back to those areas. And
39 what they do, especially if the snow is any kind of depth, they
40 park on those areas and they don't move at all and they go into
41 energy deficit things and it can effect their future
42 reproduction and a whole lot of things. And so the real issue
43 is counting all the animals in here, in 22(D), basing your
44 harvest quota on that, and then repeatedly going out to these
45 park groups out here in the winter and hammering them,
46 disturbing them over and over again or, you know, basically
47 harvesting to such a level that the social organization and
48 things break down and the animals abandon the wintering sites.
49 And the idea is to spread -- it's not that the whole group of
50 animals can't sustain a higher harvest level, they can, that's

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1 why we went from three to five. But the question is, is the
2 impacts of concentrating the harvest on certain small areas.
3 And the problems that people are saying about the sourdock and
4 the berries and all of those things are generally happening
5 around the allotments. And those animals have been off limits.
6 They're happening around Native corporation lands, village
7 selection lands, allotments and that's where the human and
8 animal conflicts are coming, and those animals have been off
9 limits. So, yeah, it would be killing more muskoxen, but it's
10 going to be feeding more villagers. And I think the total
11 population can stand that. The question is is, you know, how
12 much can they stand in any one given little area and we're
13 trying to avoid that.

14
15 Yes, Frances.

16
17 MS. DEGNAN: Now, what would you say, are there more
18 resident muskox on State land than on Federal land?

19
20 MR. ADKISSON: Oh, within 22(D), without question.
21 Without question, 22(D), most of the lands are State and
22 private and most of the muskoxen at the spring counts are found
23 on State and private lands. And by private lands, I'm
24 including Village corporation lands.

25
26 MS. DEGNAN: Right.

27
28 MR. ADKISSON: And I think Toby's a good example of
29 someone who, you know, has had to travel over into the preserve
30 to look for a muskoxen, this year got a State permit and got
31 one right close to home.

32
33 That situation is kind of like 22(D). And things are
34 not the same in 22(E) and you'll notice that the permits were
35 distributed differently in 22(E), and we're not asking to
36 change 22(E). Eventually we may go back to southwestern 23 and
37 ask Buckland and Deering if they're interested in changing the
38 proportions and stuff, too, because they have some similar
39 situations to 22(D). But I think the issue now is we need to
40 really recognize the problem with the Special Action and
41 secondly, if you want to fine tune it, you know, come the next
42 meeting.

43
44 CHAIRMAN CROSS: I have a question for Charlie Lean.
45 On the Tier II permits, that action that was taken by Board of
46 Game, is that good for two years, right, only? Or is it
47 something the Tier II permits for muskox, is that going to go
48 on forever or is there a certain limited time period?

49
50 MR. LEAN: Kate.

0078

1 MS. PERSONS: Kate Persons.....

2

3 CHAIRMAN CROSS: Oh, I'm sorry, Kate.

4

5 MS. PERSONS:Fish and Game. It will be -- the
6 Board will not address muskox issues in this region again until
7 the fall of '99. So that's a year away.

8

9 CHAIRMAN CROSS: A year.

10

11 MS. PERSONS: But this regulation would remain in place
12 as it is unless there's some proposal put before the Board to
13 change what currently exists.

14

15 CHAIRMAN CROSS: So we won't know anything until '99?

16

17 MS. PERSONS: But we do have flexibility with the
18 regulation as it stands now. So that we could absorb up to six
19 Federal permits, but no more than six without going back to the
20 Board and asking them to change the regulation.

21

22 MR. MENDENHALL: It's because we asked for a test hunt
23 and that's the way it came out, was a test.

24

25 MS. PERSONS: Yeah. They currently will allow a
26 harvest of up to 30 bull muskox in 22(D), and currently we have
27 24 permits. So we could take six more without having to ask
28 them to act upon it, but no more than six.

29

30 CHAIRMAN CROSS: My concern is that I feel very
31 uncertain about this, simply because we don't know what the
32 State's going to do in 1999 either about their Tier II permits
33 on muskoxen. If they're going to continue to have Tier II
34 hunts or not.

35

36 MR. ADKISSON: The only reason for the State not to
37 have a Tier II hunt, frankly, is if the muskoxen population
38 grows to such a point that the harvestable surplus exceeds the
39 subsistence -- identified subsistence need or level to satisfy
40 subsistence, and at that point they would have to then move to
41 a Tier I hunt or a general hunt. But as long as the
42 subsistence need is greater than the harvestable surplus the
43 State will maintain a Tier II hunt. Again, one of the things
44 is -- you know, maybe I used poor wording or something, but I
45 think it's important to think in mind that for the subsistence
46 users out in the village's point of view, we're not asking them
47 to give up permits that they can't ever take back. What we're
48 trying to do is sort of create a flexible system in which
49 permits can flow back and forth between the State and Federal
50 systems to best meet the needs of local users. So if this

0079

1 system is not working, again, I come back to the original
2 resolution that was submitted by this Council, that you reserve
3 the right to go back to the Federal Board and ask the Federal
4 Board to take action to restore the Federal hunt at its
5 previous levels if that's what it takes to protect subsistence
6 users. So you're not giving up your obligation to protect the
7 subsistence users by allowing this transfer of permits from one
8 side of the equation to the other. You're only allowing that
9 to happen providing that transfer benefits the users. And you
10 know, there's always going to be a question of whether the
11 State system will work. Everybody has said that, no one has
12 said differently. And there's a certain amount of risk
13 involved with it, and frankly, I had reservations and I think
14 all the people who participated in the Cooperators had
15 reservations and, you know, I'm just looking at the
16 distribution permits, you know, this year, and I think it
17 worked out very well. And I think it's worked out for people
18 like Toby and probably Elmer and several other people in Brevig
19 and Teller. And you know, I want to keep trying to see if we
20 can make it work. But I won't give up protecting the Federally
21 eligible users.

22
23 CHAIRMAN CROSS: Sandy.

24
25 MR. RABINOWITCH: Excuse me, Ken, I lean into the mic.
26 Sandy Rabinowitch. I might be able to help answer one question
27 that you're asking Grace, by asking Ken and Kate a question and
28 I'll do this quickly. Am I correct to think that the last
29 survey of the population was in '98 and that the next survey
30 will be in the year 2000?

31
32 MS. PERSONS: 2000, that's correct.

33
34 MR. RABINOWITCH: Okay. And am I correct to think that
35 the Staff level in Fish and Game, you'll conduct the hunt, the
36 Tier II hunt next year based on last year's.....

37
38 MS. PERSONS: Last year's yes.

39
40 MR. RABINOWITCH:information, and you're not
41 going to have new information in '99 because nobody's going to
42 count them?

43
44 MS. PERSONS: That's correct.

45
46 MR. RABINOWITCH: So where I'm going is, that I think,
47 and help me with the answer both of you, I think the answer to
48 Grace's question about what Fish and Game will do next year is
49 you'll do the same thing you did this year. Now, that doesn't
50 guarantee that the same people get permits, I mean.....

0080

1 MS. PERSONS: Right.

2

3 MR. RABINOWITCH:I understand that people have to
4 submit all over again and you have to rate then all over again.
5 But that all the other elements that this is built upon this
6 year are going to be -- seems to be exactly the same as last
7 year.

8

9 MS. PERSONS: That's safe to say for next to year, yes.

10

11 MR. RABINOWITCH: So I'm trying to help get toward of
12 an answer to the question I think you're asking, Grace.

13

14 CHAIRMAN CROSS: Yes.

15

16 MS. HILDEBRAND: Ida Hildebrand, Subsistence Staff
17 Committee member -- Subsistence Board. I just wanted to
18 caution the Council or remind the Council that there's two
19 things you need to consider in your decision here. One is the
20 time for proposals closes on October 23rd, so you make your
21 decision up or down before then. And the other thing is is the
22 Board adopted a new policy regarding Special Actions last year.
23 And they're very concerned about if it isn't foreseeable, they
24 will not accept it as a Special Action and Special Actions as
25 have been stated here, do terminate after a years. Those
26 regulations terminate after a year. So to maintain any hunt, a
27 Federal hunt, you need to submit something and whatever you
28 submit is your choice, but you need to submit something before
29 October 23rd.

30

31 MS. DEWHURST: Just in the interest of moving the
32 meeting on because we're starting to run out of time, I would
33 offer a suggestion to the Council that you make some sort of
34 proposal and don't sweat the details at this time. Just get a
35 proposal in. We'll do an analysis and then at your winter
36 meeting, that's the time to really hash it out. And you can
37 tweak it, you can change it, you can support it or not support
38 it or whatever, but you don't need to make a decision on how
39 you want to go right now. This will give you a chance, people
40 like Elmer and folks to go back to the village and get some
41 input and then come back at the winter meeting and be able to
42 say, well, this is what my village really wants. But in the
43 meantime, we need something like Ida said, just to get
44 something on the books and then we can move on on our agenda.

45

46 CHAIRMAN CROSS: I think for now.....

47

48 MR. SEETOT: Madame Chairman.....

49

50 CHAIRMAN CROSS: Go ahead, I'm sorry.

0081

1 MR. SEETOT: Question to Mr. Ken Adkisson. Has
2 National Park Service inventoried land in the northeastern
3 portion because if I can recollect I would say that about two-
4 thirds is composed of lava rock. I have traveled -- or over
5 the years I have made a circuit of the lava beds, maybe a
6 couple of times, maybe once or twice. I's a pretty large area,
7 good habitat for caribou but I'm not really sure concerning
8 muskoxen. Because I would say about two-thirds of that area is
9 composed of lava -- I mean lava rocks and inaccessible by
10 snowmachine except, you know, just around the outskirts. My
11 recommendation would be to exclude the population, count from
12 this area and just determine the number that is within State
13 and BLM land to, you know, get the harvest level. Because the
14 Federal biologists have stated in the past that you need a
15 certain percentage population -- or the population has to be at
16 a certain amount in order for the harvest level to be at, you
17 know, three percent or so. And it's pretty much contrary to
18 what -- maybe 12 animals from BLM and from Bering Land Bridge
19 is. You're talking about keeping that population at a
20 sustainable level, but on the other hand you're talking about
21 pooling 12 animals altogether, BLM and Land Bridge. Is that
22 two conflicting things you're talking about?

23
24 MR. ADKISSON: Well, I guess first of all when we
25 surveyed it it's probably not preferred winter habitat for
26 muskox in that area that you're talking about. So it's
27 questionable how many animals, let's say in the winter if you
28 went over there you were going to find. So I think the
29 question there becomes, you know, what's going on with the
30 animals in this general area here, say east and west of
31 Kougark Road, both on Federal and State lands. And like I
32 said, I believe from looking at the harvest pattern this year,
33 especially if the general distribution of permits, you know,
34 continues along this line, these animals over here are going to
35 continue to get hit pretty hard by Nome, so it wouldn't make a
36 lot of sense to add additional pressure from over here if we
37 don't have to. The question is is as Donna pointed out, you
38 know, we just can't -- and BLM probably will not let us keep
39 raising the harvest limits -- levels on those BLM lands alone,
40 so how do you spread the hunt out? And the only answer that we
41 found to spread the hunt out in 22(D) is make all the lands in
42 22(D) available and the only way to accomplish that is through
43 a joint Federal/State hunt and a distribution of the permits
44 between the two systems. But I can't tell you an answer as to,
45 you know, what -- when the Muskoxen Cooperators kind of set
46 some guidelines for harvest levels, they were looking at the
47 number of animals within the whole subunit, not on specific
48 portions of land.

49
50 CHAIRMAN CROSS: Roy.

0082

1 MR. ASCHENFELTER: Thank you. I'm Roy Aschenfelter. I
2 just have some questions. Could anyone submit a proposal?

3
4 (Many affirmative responses)

5
6 MR. ASCHENFELTER: And then so we wouldn't necessary
7 have to wait for you to draft a proposal, we could do the
8 proposals ourselves and you guys could deal with it however you
9 wish, right?

10
11 CHAIRMAN CROSS: Right.

12
13 MS. H. ARMSTRONG: Right.

14
15 MR. ASCHENFELTER: So that answers that question. The
16 other question I have is, I sit on the State Advisory Committee
17 and looking at it from that perspective, we get a lot of
18 questions and a lot of people from villages that haven't been
19 able to hunt muskoxen, we're talking White Mountain, Golovin,
20 Elim, Koyuk, elders asking, why aren't they allowed to hunt
21 muskox. And the only opportunity for those other villages
22 other than Brevig, Teller and Wales and Shishmaref, the only
23 other opportunity is a Tier II hunt because if you keep it in
24 Federal lands, obviously they have to -- if any permits are
25 going to be allowed and they haven't been allowing them to any
26 other villages but those four, then the question to me is -- or
27 for you is, if you want to share among the region the muskoxen
28 and allow hunts, then you would allow -- then you would accept
29 a Tier II hunt which happened this year, which provided meat
30 for people in White Mountain, meat for people in Nome, so to me
31 it's a good thing. It spreads the resource out. You have a
32 population of a thousand or however many there is and it's
33 agreeable that five percent can be taken, why not spread it
34 among all the villages and give an opportunity for them to
35 submit an application. I think as people get more aware of
36 subsistence and the application of the Tier II hunt, you're
37 going to see more applications being submitted. That's just
38 the way it goes. And probably from the very villages that
39 already have had an opportunity to go get muskoxen in their own
40 Federal lands. And so those are some of the things I have to
41 say.

42
43 Thank you.

44
45 MR. MENDENHALL: The way the proposals came before the
46 State was because the Federal people wanted to open up both
47 Federal -- joint Federal and State because of the villages that
48 had -- and when we went before the Board of Game this spring,
49 there was no proposals from any other villages for hunting on
50 State land from White Mountain or, you know, those places, that

0083

1 I remember. And all we're doing is acting on the Federal part
2 for the Federal lands that we're supposed to be entrusted with.

3
4 CHAIRMAN CROSS: I have another question for Kate.
5 Now, if the six of these Federal permits would go to the State,
6 they would go to 22(D)?

7
8 MS. PERSONS: To 22(D).

9
10 CHAIRMAN CROSS: That's where they would stay at 22(D)?

11
12 MS. PERSONS: Yes.

13
14 CHAIRMAN CROSS: Okay. I think we need a short break.

15
16 MR. EDENSHAW: Madame Chairman, just one -- a couple of
17 comments. In regards to the way this whole thing unraveled, I
18 recall when the Board met addressing the Special Action, they
19 put that restriction six from the north end and from the south
20 end, and that was biological just as Ken stated. And I don't
21 want the Council to get into the thinking that they have to
22 make a decision regarding -- in order for them to lift that
23 restriction, they have to give up their six permits, that's not
24 it.

25
26 CHAIRMAN CROSS: I understand.

27
28 MR. EDENSHAW: You can put it in the form of a motion
29 and say a proposal, just say we would like the restriction in
30 Unit 22(D) on six permits on Park Service and six permits on
31 BLM, you know, and all that other stuff, as Donna said, would
32 be analyzed and worked out through that end.

33
34 MR. MENDENHALL: Is that your recommendation?

35
36 MR. EDENSHAW: No, that's not mine, I'm just.....

37
38 CHAIRMAN CROSS: I think we should take a very short
39 break at this time, about five minutes?

40
41 MR. MENDENHALL: It's the call of the Chair.

42
43 CHAIRMAN CROSS: Five minute break.

44
45 (Off record)

46 (On record)

47
48 CHAIRMAN CROSS: I'm calling the meeting back to order.
49 It's now 3:00 o'clock in the afternoon. Ken, have you got
50 anything further to say on this issue?

0084

1 MR. ADKISSON: No, I don't. I think this pretty well
2 covers it, except for the need to take some kind of action.

3
4 CHAIRMAN CROSS: Does anybody else have anything to say
5 on this issue? Hearing none.....

6
7 MR. SEETOT: I recommend that it be the same as it is.
8 Because I think certain people, you know, have worked pretty
9 hard, you know, to get a number from the Federal agency and it
10 should be as it is written. We might not be successful in
11 getting animals from the northeastern portion but I guess if
12 you select the right person, you know, that have gone there and
13 hunted successfully, you know, those people should be really
14 gone after by the traditional council or whoever, you know,
15 makes the selection of the Federal permits.

16
17 CHAIRMAN CROSS: Are you making that in a form of a
18 motion?

19
20 MR. SEETOT: Yeah, in the form of a motion.

21
22 MS. DEGNAN: Second.

23
24 CHAIRMAN CROSS: A motion was made by Elmer Seetot,
25 Jr., to have the muskox section remain the status quo and
26 seconded by Frances Degnan.

27
28 MR. MENDENHALL: Seconded -- oh, it's been seconded.
29 Call for the question.

30
31 CHAIRMAN CROSS: Question has been called. All those
32 in favor signify by saying aye.

33
34 IN UNISON: Aye.

35
36 CHAIRMAN CROSS: All those opposed same sign.

37
38 (No opposing votes)

39
40 CHAIRMAN CROSS: Motion carries. I would make a final
41 recommendation that Ken Adkisson hold some sort of meetings
42 between the communities that are effected to see what their
43 feelings are on this and perhaps if they want the changes, that
44 proposals come from those communities effected for our spring
45 meeting.

46
47 MR. ADKISSON: Yeah, I think that's reasonable, sure.

48
49 CHAIRMAN CROSS: Thank you. Go ahead.

50

0085

1 MR. SEETOT: Whenever, the Department of Fish and Game
2 and the National Park Service or the Federal agencies go up
3 there, they call a meeting you don't get very much
4 participation by the community members. It's pretty much I
5 guess maybe one or two persons speaking out and that's pretty
6 much the recommendations given to the Federal and State
7 agencies. And I just want to make that clear.

8
9 I think the State and Federal agencies make an all out
10 effort to notify the community residents that action or issues,
11 you know, will be talked about. But you don't get that very
12 much turn out, especially in Brevig, you know, you really have
13 to go out and recruit the persons -- force them, you know, into
14 the meeting. To make sure that what you're putting out is
15 being heard by as many people as possible whether they want to
16 hear it or not. And that's something that needs to be kind of
17 stressed, I guess, to the traditional councils. That if the
18 persons or the residents, you know, do not want this
19 information and this information should be put out to the
20 traditional council so that they have access to it and then at
21 an appropriate time that -- when they have their annual
22 meetings, then that information can be put out.

23
24 CHAIRMAN CROSS: Thank you. And regarding the rest of
25 the pages that we have, are there any other proposals that we
26 need to address? Thank you Ken.

27
28 MR. ENINGOWUK: With regard to the ptarmigan season,
29 I'm wondering why the date is proposing to change from August
30 10 to 30th. And I believe I heard that earlier this year.

31
32 CHAIRMAN CROSS: Kate.

33
34 MS. PERSONS: That was just something that was
35 recommended by the advisory committee to the State Board last
36 year. And they were concerned about young ptarmigan, really
37 small ptarmigan that weren't really even big enough to make a
38 meal being harvested along the road system. And the Board
39 agreed with them and that regulation is now in effect on State
40 lands. There's no biological reason for that. It was just a
41 preference that the advisory committee expressed.

42
43 MR. ENINGOWUK: I guess my feeling is that up in
44 Shishmaref there's very many ptarmigan taken during that time
45 but there is a few taken from August 10 to September 1st. And
46 I wouldn't recommend that change because I don't think that
47 many young ptarmigan are taken. Like in the Shishmaref area.
48 Maybe some of it's being done like in the Nome area or in some
49 other area. I believe it's.....

50

0086

1 MR. MENDENHALL: It's a regional thing. I live in Nome
2 and I agree, everybody has a shot gun in their car and they see
3 a -- or a .22 and they see them around.

4
5 CHAIRMAN CROSS: That's probably the problem area and
6 we don't have any jurisdiction over 22(C). Is that where most
7 of the concern was in the road system?

8
9 MS. PERSONS: I believe it was.

10
11 MR. MENDENHALL: And you took care of it already,
12 right?

13
14 MS. PERSONS: Right.

15
16 CHAIRMAN CROSS: And we have no say so actually in
17 22(C).

18
19 MR. ENINGOWUK: I didn't quite agree with it.

20
21 MS. PERSONS: I had one other thing to point out to you
22 where the Federal and State seasons are different and that's
23 with the hare season. And the State regulations have no closed
24 season and your Federal season is September 1 to April 15th.

25
26 MR. MENDENHALL: For what?

27
28 CHAIRMAN CROSS: For rabbits. For bunny rabbits.

29
30 MS. DEGNAN: So there's no closed season?

31
32 MS. PERSONS: Not under State regulations.

33
34 CHAIRMAN CROSS: Could somebody from the Feds say
35 something to that effect? Why is there a season for hares?

36
37 MS. DEWHURST: I don't know when it got changed. The
38 Federal regulations came about by adopting the existing State
39 regulations at the time, so sometime in the past 10 years or
40 since the program was -- it must have changed.

41
42 MS. H. ARMSTRONG: I think it was just a couple years
43 ago. I think this Council decided to -- I mean they don't
44 always -- Council's don't always want things to be the same as
45 the State if they don't agree with the State. So it's very --
46 I'd have to go look at -- you know, research it, but I --
47 memory sort of seems to be saying that.

48
49 MR. SEETOT: I think the main reason we have a season
50 is that one, maybe we were talking about -- during the breeding

0087

1 season and during the breeding season, you know, their meat
2 don't even, you know, taste edible. I mean the -- you can eat
3 them but then they're not -- they don't taste good. And I
4 guess there's unwritten code among the people or that has been
5 told orally, you know, when a young animal -- or resource
6 produces young, you know, you're -- you know for them to be
7 successful, you know, just leave them, just take certain eggs
8 while you can and then, you know, just leave the rest. And I
9 think that that's the way that this was written, you know, to
10 protect the species during their breeding and their, you know,
11 nesting and rearing season. And then that's pretty much -- or
12 the way I think that certain species, you know, the furbearing
13 animals, I don't hunt them after a certain time because too
14 much time and effort to do this, you know, while they're out of
15 season. Because you know you're not going to make any money --
16 not unless you're -- unless you're using it personally for your
17 clothes. Who wants to wear a white colored -- you know, it's
18 not in its prime you know. Whenever we get stuff, you know, we
19 try to get the best when they're in season, when they're more
20 palatable or just before they go down south. That has been
21 pretty much our way of harvesting. I think that has been a --
22 that has been our main point in keeping these wildlife, you
23 know, at a substantiable level. We take only what we need.
24 The rest of the time, too much trouble, they're out of season,
25 you know, or other factors come into being. But I guess that's
26 one of the major practices, that we learned from our elders, is
27 that, everything is being handed down.

28
29 Sometimes we take action on our own, you know, like we
30 know everything, but after a few times -- after some of these
31 things pass, and we look at them in retrospect, you know, then
32 everything comes into what the elders have been saying all
33 along. Respect nature as it is. And I guess when we put out
34 too much regulation, you know, we're just trying to do --
35 regulate nature, what nature has been doing, you know, by
36 themselves. They've just come and go with the seasons.

37
38 That's all.

39
40 MR. KATCHEAK: Madame Chair, I recall when we submit
41 this proposal to the Federal Board.....

42
43 CHAIRMAN CROSS: Regarding hares?

44
45 MR. KATCHEAK: Yeah. One of the reasoning was, they
46 said hare after April and pretty much the whole summer, their
47 fur is not good, shedding. And that was one of the reasons why
48 we set the limit on which -- what part of the year that they
49 should be harvested.

50

0088

1 CHAIRMAN CROSS: I have one more question for you Kate.
2 Are you submitting -- is this kind of a proposal to change both
3 the hare and the ptarmigan to be consistent with the State, is
4 that.....

5
6 MS. PERSONS: No, no, I was just.....

7
8 CHAIRMAN CROSS: You were just making a recommendation?

9
10 MS. PERSONS:asked to bring it to your attention
11 that there are those differences. No, I'm not suggesting that
12 this is something that you should necessarily do. I'm just
13 pointing out areas where the State and Federal regulations
14 differ.

15
16 CHAIRMAN CROSS: Okay. Thank you for the information.
17 So we don't need to take any action further. Is there any
18 other proposals regarding these by anybody? If not, I guess we
19 can continue on to -- well, Taylor's done already; you're done,
20 right?

21
22 MR. BRELSFORD: Yes.

23
24 CHAIRMAN CROSS: So we'll go to the next, annual
25 report, initial development state, and that will be handled by
26 Cliff Edenshaw.

27
28 MR. EDENSHAW: Thank you, Madame Chair. I think you
29 can recall from the last time, I'm sure -- let me see the only
30 one who wasn't here was Johnson and Toby and Fran. In terms of
31 an annual report, the last one we had that was submitted to the
32 Board was in '97, the '97 annual report. And in my old booklet
33 I happen to have brought with me, it was just an example for
34 Toby, Frances and Johnson. And at this juncture if the Council
35 wishes they may make a motion or concerns regarding natural
36 resources within Unit 22 for subsistence resources -- they may
37 do so. But in this example I have here and I don't have any
38 additional copies, this was just in the booklet I brought, the
39 last time the Council submitted an annual report one of their
40 concerns was ORV use on the road system. And the majority of
41 those lands in 22(C), as you've just stated are State lands.

42
43 John Shivley was the -- at the time he was the
44 Commissioner of Natural Resources here and he submitted a
45 response in regards to the Regional Councils concerns about ORV
46 uses in 22 and he sent a response. So those are the types of
47 concerns or -- what would transpire is if the Council made any
48 motions regarding issues or concerns of subsistence resources
49 in 22, I would generate a report for the Council's review and
50 that would be submitted to the Federal Subsistence Board, and

0089

1 letters would be sent to those agencies regarding the Regional
2 Councils concerns. And in the end we end up getting this
3 response back from DNR. So this is the opportunity for the
4 Council to state any concerns they have.

5
6 CHAIRMAN CROSS: Does anybody have any concerns that
7 they would like addressed?

8
9 MR. MENDENHALL: Yes. I'd like to make a comment that
10 regardless of what village we're from or area, (C), (D), (E), I
11 think that we all understand our role to try to work as a
12 Regional Advisory Committee and that we are looking after
13 everyone. And I think we need to develop that more, that's a
14 concern I have. To realize that we're one region, that we're
15 doing one task to help our people. And I want that as a
16 concern, to keep promoting that.

17
18 MS. DEGNAN: Another point that I'd like raised is that
19 from the understanding of the people in the region, that
20 subsistence is major economy and the region is recognized as
21 such. And that the understanding is that subsistence from the
22 digeneous viewpoint is quite different from what the State
23 agencies and Federal agencies are -- what they have on the
24 books on the law. So when we're dealing with the issue of
25 subsistence that we need to have the relevant culturally and
26 how best to get the information to and from this Council, I
27 believe we need to work with each one of the cities and
28 villages in the region and so that they know that they can
29 input to this Council freely. And when we request information
30 or have meetings in their communities, that they have access to
31 us and it is an extension of their -- what you call it, their
32 life. And to make it as close as we can to the grass roots
33 because it's very important and once these regulations are
34 adopted, that they do have access to -- in the system. I think
35 that's very important.

36
37 MR. KATCHEAK: Madame Chair. One concern and this has
38 been going on for several years now, and that is, our per diem.
39 We submitted a proposal to the Federal Subsistence Board to
40 raise our per diem and looking at -- kind of foreseeing of what
41 the fish is going to be, I'd like to see us resubmit that to
42 raise our per diem. Because subsistence fishing will be an
43 added responsibility and I'm thinking that it would justify
44 raising the per diem for the Council members.

45
46 MR. EDENSHAW: In response to Ted's concern about per
47 diem. I know that Ted was at the last joint Chair's Board
48 meeting and there had been one letter that was drafted by Sue
49 or Rosa in regards to compensation and one letter has been sent
50 to the Secretaries of Interior and Agriculture and there was a

0090

1 response back. And initially, Bill Thomas, who's the Chair
2 said there wasn't enough bite in the first letter and so they
3 were going to redraft a more stronger letter and have that
4 resubmitted to the Secretaries of Interior and Agriculture and
5 Taylor may elaborate on that, if I'm incorrect, but that's what
6 I understood in regards to compensation.

7
8 MR. BUCK: We've been asking for this for a long time.
9 And now we're asking for it again and the Federal Subsistence
10 Board is asking the Secretary for the more adequate
11 compensation. And I don't see a -- we're from St. Michael, all
12 the way up to Stebbins and we have different price ranges of
13 food. And we have to heat our homes and feed our families
14 while we are gone. And I -- the price difference between St.
15 Michaels and Shishmaref is quite different. And I think this
16 is -- we need to stress this more to the Secretary of the
17 Interior that our compensation is not adequate.

18
19 CHAIRMAN CROSS: I agree.

20
21 MR. MENDENHALL: This also has been -- a meeting with
22 the Governor, it also has been requested by the State Advisory
23 Committee to also raise the compensation for their committee
24 members. I'm in that agency. So there's a concern there, too,
25 because it does take away from people when they do leave their
26 village.

27
28 CHAIRMAN CROSS: So what was the status -- are there
29 any reports back or any letters that are addressing this at
30 this point or.....

31
32 MR. BRELSFORD: Yes. The Secretary of Interior, Bruce
33 Babbitt, did write a letter of response to two earlier letters.
34 One was a Staff paper adopted by the Board urging compensation,
35 identifying the needs, and the other letter was actually
36 written by Mitch Demientieff, a stronger letter advocating the
37 importance of providing compensation to the Subsistence
38 Regional Advisory Councils in Alaska. Secretary Babbitt wrote
39 a letter of reply just before the Board meeting in May of --
40 this spring, May '98, and he said that he has to look at
41 advisory programs in a national perspective and that the
42 advisory programs are volunteer nationally and that he was not
43 able to make an exception in this case. But the question
44 before you right now is what would you like in your annual
45 report and you're free to identify issues that concern you. So
46 there's no obstacle to you continuing to raise this topic as it
47 concerns you. I think our job, trying to be good Staff for you
48 is to make sure you realize that it's been run all the way up
49 the flag pole once. We can try again, but it -- a firm answer
50 did come back, Secretary Babbitt did make a decision and did

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1 respond to the questions.

2

3 CHAIRMAN CROSS: I think because of the cost of living
4 in Alaska, it's a little different. We are in a different
5 situation than those that are in the Lower 48, so I think it
6 should be resubmitted again.

7

8 MR. BRELSFORD: Resubmitted.

9

10 CHAIRMAN CROSS: Because we are in a unique situation.

11

12

13 MR. BRELSFORD: In view of the time, maybe I can
14 suggest two things. One is that for Fran and Toby, the
15 training manual that Cliff sent you guys, has an outline of
16 what the annual report, the purpose and the provisions in the
17 statute and so on. So if you want to dig into this a little
18 bit more and have some more ideas about it, it's Page 24 in
19 that training manual, the grey one. And you can look at it a
20 little bit later. The second thing is that based on your input
21 right now, Cliff can prepare and maybe consult further with the
22 Chair, with Grace, between now and the winter meeting and have
23 a draft version for you to look at. And at that time if you've
24 thought of some new things or want to reword it here and there,
25 you would have another opportunity so we can, you know, kind of
26 go over this once quickly at the present time and then move on
27 to the other agenda items.

28

29 CHAIRMAN CROSS: And for the two new people on the
30 Council, there is an 800 number for Cliff that you can call if
31 you think of anything else that concerns you that we may want
32 to put in the annual report, or discuss it with me anyway.
33 Anything further on this annual report?

34

35 MR. EDENSHAW: And I think maybe Taylor can correct me
36 if I'm wrong on this one, but back in '96 when this -- when the
37 Council last submitted the annual report, they were concerned
38 it was just paying lip service to the Board. Because the
39 Regional Council submitted the annual report signed by the
40 Chair and other Councils brought up the issue at the Joint
41 Chair meeting stating that the annual report should have
42 Mitch's name on there to other agencies so they would get a
43 stronger or, you know, quicker response and maybe some of the
44 actions -- if those were pertaining to Federal agencies would
45 get some type of a response. And I'm not sure if a decision
46 was made on that or not.

47

48 MR. BRELSFORD: Well, actually for those of you that
49 were with the Council from early on there were some pretty
50 serious problems with the annual reports in the first several

0092

1 years. There were big delays in getting responses prepared.
2 Many Council members felt like the Board was not paying
3 attention, not getting directly involved with those and just
4 having Staff write a report and then Staff answer the same
5 report they already wrote without the Board exercising any
6 policy judgment about it, paying attention to the concerns that
7 you had raised. So two years ago we got Mitch's commitment, he
8 heard pretty strong concern from the Chairs and he said that
9 the Board would now meet in about July or August each year for
10 a focused session on the annual reports and would give it their
11 full attention. So in '97 and '98, these last two years, that
12 Board meeting, I think, has indeed, been much more focused on
13 the concerns of the Council members. I would say we've maybe
14 overcome the weakness of those earlier years, the kind of
15 delays and not quite having direct communication with the
16 Board. And I would encourage you to look at the annual reports
17 as a real strong opportunity to raise long range planning
18 concerns about subsistence uses in the region. I think the
19 Board is, indeed, paying close attention to them at this point
20 and we get timely replies prepared and strong letters referring
21 these forward to another agency, if it's a DNR responsibility
22 or something of that sort. I'd like you to look at this as a
23 valuable opportunity and we can all learn some lessons from
24 those failings in the first year or two.

25
26 CHAIRMAN CROSS: Okay. Perry.

27
28 MR. MENDENHALL: Since that has been brought out, in
29 the event of taking over subsistence come December 1, are there
30 actions and procedures being developed for us to do all this
31 compatibility with other agencies with the Federal -- you got 9
32 million dollars for fisheries and you got, you know, that kind
33 of thing? Are there some groundwork being -- so that we don't
34 have to, come December 1, now what do we do when we do take
35 over -- or the Federal Subsistence Board? What -- this
36 question's in our regional mind, you know, I think, what's
37 next? How will it be done? That kind of a thing. And this is
38 an issue in '98.

39
40 MR. BRELSFORD: Right. To be very straightforward
41 about it, the primary focus right now is on finalizing the
42 regulations so that those are issued just after December as the
43 Secretary has promised. The next two questions have to do with
44 those organizational items. How to cooperate with Fish and
45 Game, how to enter into cooperative agreements with the tribes
46 and universities. And the other one we talked about was how to
47 reorganize the Regional Council program or supplement the
48 Regional Council program in view of the new responsibilities on
49 fisheries. Those organizational steps will come after
50 December. The groundwork's being laid on them now. They're --

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1 I don't -- I can't give you more specific time lines or action
2 dates on those other aspects. The big goal right now is to get
3 the regulations out shortly before December.

4
5 MR. MENDENHALL: Well, the other factor is enforcement
6 of law. And would it be user friendly to subsistence users and
7 hunters, you know, that would be wanting to do subsistence with
8 them. Right now we don't have -- Smokey the Bear packing
9 pistols, you know, being that kind of enforcement, kind of
10 strong arm, without any losing rights, you know, for hunting
11 and fishing. And how would it be enforced, you know, jointly,
12 State and Federal?

13
14 MR. BRELSFORD: There is ongoing discussion about
15 cooperation including in the enforcement area. As you're
16 aware, under wildlife, there is joint enforcement of wildlife
17 regulations. I guess rather than go too far down that road,
18 Perry, what I might suggest is if you have some concerns, those
19 could be phrased as issues to raise in the annual report.

20
21 MR. MENDENHALL: Well, that's why I'm making these
22 comments.

23
24 MR. BRELSFORD: And then you can provide more
25 information as they come up. So you were asking about, how
26 will it be organized on the ground and then how will
27 enforcement -- what will enforcement.....

28
29 MR. MENDENHALL: User friendly or would we have to
30 beware all the time? You know, big brother watching over us
31 type of a syndrome. And there's some concerns, you know, in
32 the region about pistol packing mama's and enforcement type of
33 things and judgment -- you know, on the spot. To where it
34 might even take away the provider of the family, you know, I
35 mean if that person -- in their eyes may be wrong, in our eyes
36 it might be right.

37
38 MR. BRELSFORD: So what I've noted down, Perry, is you
39 would like to see the concern mentioned in the annual report
40 about organizing the subsistence fisheries management so it's
41 compatible across the agencies. And second, in the area of
42 enforcement policy, your concern that it not be big brother,
43 and that instead it be more user friendly.

44
45 MR. MENDENHALL: Right.

46
47 CHAIRMAN CROSS: Okay.

48
49 MR. BRELSFORD: Well, I'm sure that will give us enough
50 to get started on an annual report anyway, so maybe we can move

0094

1 on to some of the other items.

2

3 CHAIRMAN CROSS: That's what I was going to say.

4 Anybody else have anything for the annual report or we could go
5 on?

6

7 MS. DEGNAN: I could throw in, what do you call, it,
8 tribal management -- local tribal management.

9

10 CHAIRMAN CROSS: Yeah, that's one of the things we were
11 talking about. They're going to be looking at that too. I
12 guess now we can move on to the old business. Cliff Edenshaw,
13 Federal Subsistence Board, May 4 to 6.

14

15 MR. EDENSHAW: Thank you, Madame Chair. Under Tab E,
16 you'll just notice the Council had nine proposals that were
17 submitted and there were two RFRs. And last year, the Board --
18 Ted was at attendance at the Board meeting earlier this year in
19 May and this will just be short and sweet. They passed all the
20 Regional Councils recommendations for the proposals with the
21 exception of 86 which was rejected and it was changed from --
22 this one always confused me. They were going to -- under the
23 present regulation they were going to have one moose and
24 instead, the Board modified it to have one bull. So if you
25 look on 86 inside your book under Tab E, that was the only
26 proposal that was changed and all the others were passed by the
27 Board.

28

29 And normally each year -- the Board met in May and this
30 is our fall meeting, so you can pretty much count on each time
31 during the fall that these 805 letters will appear in your
32 booklet to give you your report from what action taken by the
33 Board.

34

35 CHAIRMAN CROSS: So everything but Proposal 86, uh?

36

37 MR. EDENSHAW: Yes. And that was -- the original
38 Regional Council recommendation was rejected and then they went
39 ahead and modified it to read one bull moose instead of one
40 moose.

41

42 MS. DEGNAN: That doesn't stop us from resubmitting it
43 every year?

44

45 MR. EDENSHAW: That's correct.

46

47 MR. MENDENHALL: Somebody over there Grace.

48

49 CHAIRMAN CROSS: Pardon? Yes.

50

0095

1 MS. DEWHURST: Yeah, just for your own information, the
2 Board does have a policy though that generally like Ida was
3 talking about, they don't like to take things up unless there's
4 no new information. So once the Board's made a decision, just
5 because you don't agree with the decision, it isn't worth
6 resubmitting unless you have new.....

7
8 MS. H. ARMSTRONG: That's the Special Actions. They
9 can resubmit proposals.

10
11 MS. DEWHURST: They can resubmit, okay.

12
13 MS. DEGNAN: Because the situation doesn't change
14 unless, you know, the resource goes away.

15
16 MR. MENDENHALL: The rationale we had was because they
17 expended the gas and time to go hunt for moose and all they
18 find -- they don't find a bull but they still got to feed their
19 family. That's why they.....

20
21 MS. DEGNAN: This happens to me all the time. I've
22 never harvested a bull.

23
24 CHAIRMAN CROSS: So what would be the wishes of this
25 Council, this Proposal 86 that we submitted last year, should
26 we resubmit it? Should we look for more information? Direct
27 the Staff -- is there present moose population statistics
28 anywhere that is more current?

29
30 MS. DEWHURST: Yeah. The reason the Board rejected it
31 -- what it was is originally it was one antlered bull is the
32 way the proposal read. It was asked to allow a cow season also
33 so it would -- the new regulation as requested would have said
34 one moose so it would have allowed anything to be taken. The
35 population in that area is hurting, it's below capacity in that
36 area and below the target. So based on the biology it was felt
37 that there's no way it could support a cow hunt. But we looked
38 at the original regulation and said, one antlered bull, and
39 we're like we can't support a cow hunt but it could support a
40 more liberal bull season. And instead of saying one antlered
41 bull, it was just changed to one bull meaning you could take a
42 bull that the antlers have dropped after -- you know, like
43 December or January when the antlers have dropped you could
44 take it where under the old regulations you couldn't. So it
45 was a compromise. The decision was a compromise. It did
46 liberalize the season a little bit because it allowed you to
47 take the bulls that the antlers had dropped but it wouldn't
48 support the cow season just because the animals aren't doing
49 that well in 22(A). That was the basis for the decision last
50 year.

0096

1 MR. MENDENHALL: They met us halfway.

2
3 MS. DEGNAN: Yeah.

4
5 CHAIRMAN CROSS: They met us halfway -- that's what we
6 were saying, they met us halfway. And are you pretty much.....

7
8 MS. DEGNAN: Well, when the population increases it
9 could be revisited.

10
11 CHAIRMAN CROSS: We can revisit it at some later date.

12
13 MR. MENDENHALL: Why don't we go with a recommendation
14 to modify it.

15
16 CHAIRMAN CROSS: The Board action was that they change
17 from one antler moose to one bull.

18
19 MR. MENDENHALL: Just accept it?

20
21 CHAIRMAN CROSS: Yeah, just -- we just won't resubmit
22 it, it is what it is. Okay, where were we -- we were with
23 Cliff.

24
25 MR. EDENSHAW: Madame Chairman, the next item on the
26 agenda is the Regional Council charters. And those are renewed
27 every two years in the even years. This is 1998, this year the
28 -- inside the booklet, this is my -- this is my booklet that
29 was prepared in the winter -- actually the winter -- actually
30 it's in March -- and this is from our March 17th meeting we
31 held in Anchorage. And the changes that the Regional Council
32 recommended for their charters that the nine members and two
33 alternates. And they stated that they wanted one alternate
34 shall be a resident that lives in the subregion of Unit 22(A)
35 or (B) and one alternate shall be a resident that lives in the
36 subregion of Unit 22(D) or (E). And then Regional Council
37 wanted language included in portion nine in their Regional
38 Council charters, alternates shall attend Council meetings only
39 in the event that a regularly appointed member is unable to
40 attend. The Board met and approved the Regional Council
41 charters. And I spoke earlier this morning, that Weaver
42 Ivanoff had been appointed as an alternate and he chose not to,
43 so he resigned. And the other alternate is Daniel Olanna. So
44 under the new Regional Council charters we have one alternate
45 from Unit 22(D) and (E) and that is Daniel Olanna and the other
46 one is vacant. And then under Tab G inside your booklets here
47 you'll have a brief explanation or supplement to the operations
48 manual regarding alternates.

49
50 And January 1st of this year, that's when the

0097

1 nomination period will open and that's -- at that time is when
2 applications are received in the office for the Regional
3 Advisory Council's -- I believe the two seats, Perry and Grace
4 will be open for reappointment this year, along with the seat
5 vacated by Weaver Ivanoff as an alternate. That will be up for
6 reconsideration also.

7
8 CHAIRMAN CROSS: And perhaps Joe Garnie's seat?

9
10 MR. EDENSHAW: Yes, excuse me, and Joe Garnie's is
11 vacant.

12
13 CHAIRMAN CROSS: Anything further on this?

14
15 MR. EDENSHAW: No.

16
17 CHAIRMAN CROSS: And I think we skipped the Federal
18 Subsistence Board meeting, and I believe -- wait -- report on
19 the Joint Board Chair meeting. And I believe that Ted Katcheak
20 is going to report on that.

21
22 MR. KATCHEAK: Being my first experience with the
23 meeting with the Federal Board, it was a great experience and a
24 learning one. And I was very happy to -- that they were very
25 responsive and I enjoyed the meeting even though it was sort of
26 a lengthy one. But going down to Tab F, okay, I'm sure most of
27 you probably have read this before but I'd like to read it over
28 because I was kind of -- it's been kind of -- it's a long time
29 since I -- I don't remember everything that happened so bear
30 with me.

31
32 May 4 to 7, '98, Follow-up items are items requiring
33 further Board action. Follow-up items from May 4 Board and
34 Regional Council work session, Region Council member training.
35 I believe this was -- okay, Federal Staff will augment existing
36 training materials with information pertinent to impending
37 assumption of subsistence fisheries management.

38
39 Compensation for Regional Council members. Regional
40 Council Chair will write a letter responding to the Secretary
41 of Interior's May 1, 1998 letter denying Regional Councils'
42 request for additional compensation, which I mentioned earlier.

43
44 Federal Subsistence Board restructuring. Board
45 structure will be evaluated as implications for Federal
46 subsistence fisheries management evolve. The evaluation will
47 include consideration of the Board structure analyzed in
48 alternative III of the final EIS for subsistence management
49 '92. Alternative III evaluated a Board composed of 16 members,
50 including representatives from each of the Regional Councils.

0098

1 Customary and traditional use determinations. A work
2 group was established to develop strategies for resolving
3 procedural issues associated with customary and traditional use
4 determinations. Work group members include the Chair of the
5 Board and representatives from the Regional Councils, Staff
6 Committee, and ADF&G. The work group will convene Tuesday, May
7 26th.

8
9 I don't recall the time when they met -- if I was
10 there, but I think I volunteered in one of those committees,
11 but if I recall correctly, but I'm not sure which one of the
12 committees I went with.

13
14 Follow-up items from May 4 through 6, Board review of
15 proposals for changes to '98/99 regulation. General. Consent
16 agenda. Consider providing abbreviated Staff presentations on
17 proposed consent agenda items on the 1999 Board meeting.
18 Consult Regional Councils at fall 1998 meetings. The consent
19 agenda was a new system that the Federal Board, I believe is
20 now using which speeds up the process for adopting proposals.

21
22 Request for reconsideration, send written response to
23 ADF&G re: final Board actions on 1997/98 RFRs.

24
25 Southeast Region. Federal registration permit,
26 antlerless deer.

27
28 I'm not going to read these numbers or pages.

29
30 Southcentral Region. Defer until additional
31 information is available, which is -- I should say Page 19.
32 Page 25, defer analyze during 1999 to 2000 regulatory review.
33 Page 26, 27, Federal registration permit for goat.

34
35 MR. EDENSHAW: Excuse me, Madame Chair, on these
36 regions here, Southeast, Southcentral, Kodiak/Aleutians,
37 Bristol Bay, those were proposals under a consent agenda that
38 the Board developed and stuff. And so those were ones that
39 they -- if you look under Seward Peninsula on the next page,
40 you know, if we stick to the region here, that was the one
41 issue that wasn't under the consent agenda item. I mean in
42 fairness of brevity, if you look at the other regions here
43 those are just proposals that were not included, not in the
44 consent agenda.

45
46 MR. BRELSFORD: This is a list of follow-up items, if I
47 can jump in Madame Chair.

48
49 CHAIRMAN CROSS: Uh-huh.

50

0099

1 MR. BRELSFORD: They are follow-up items that the other
2 Councils will be working on at their fall meetings. So for
3 your region, the one follow-up item that came up from Seward
4 Peninsula was the family policy.

5
6 CHAIRMAN CROSS: Uh-huh.

7
8 MR. BRELSFORD: And actually that's part of the very
9 next presentation that Helen -- it is folded into the c&t
10 process. The working group on c&t. And, in fact, the next
11 agenda item would be Helen's presentation and discussion about
12 the c&t policy. So that's actually the last of the items from
13 that meeting concerning your region.

14
15 CHAIRMAN CROSS: I see.

16
17 MR. KATCHEAK: So we don't need to go into other
18 regions, I conclude my report. I don't know if this is
19 adequate or not. But I thank that I had the privilege to
20 attend the meeting. Thank you.

21
22 CHAIRMAN CROSS: Thank you, Ted.

23
24 MR. EDENSHAW: And Madame Chair, on that family issue.
25 That was -- as you recall the.....

26
27 CHAIRMAN CROSS: Yeah, I remember.

28
29 MR. EDENSHAW: Okay. There had been -- they said that
30 there wasn't a proposal and that's what spurred this whole
31 family issue here. And Helen will go into some of that
32 further.

33
34 CHAIRMAN CROSS: So we will address that in c&t task
35 force working group by Helen -- and Helen Armstrong will be
36 discussing that.

37
38 MS. H. ARMSTRONG: Thank you, Madame Chair. If you'll
39 turn to Tab H in your book. This is the presentation connected
40 with the comments made this morning by Mr. Jack.

41
42 Last spring, as Ted was saying, during the Joint Chair
43 meeting, the Board appointed a task group to review the issue
44 of c&t. The task group was something -- and you really need to
45 remember that this is upon request of the Chairs, this wasn't
46 something that Staff asked for, this is something that really
47 came out of the Chairs. It became very clear to -- well, it's
48 become clear to us over the years that the way we're doing c&t
49 right now doesn't always work. That there's some problems. So
50 this group was formed and the members on the group, and it's on

0100

1 the second page under Tab H, were the Board Chair, Mitch
2 Demientieff leading the group, with Bill Thomas, who's from the
3 Southeast. He's Chair of the Southeast Council. Crag Fleener,
4 who's from Interior. Dan O'Hara, who's from Bristol Bay. And
5 then Fred Armstrong, who is from -- originally from Kotzebue
6 and he's the Native liaison to the Fish and Wildlife Service.
7 He's on this group representing the Board. Keith Goltz, who's
8 from our solicitor's office. And then Ida Hildebrand and Sandy
9 Rabinowitch, who are here today and Ken Thompson from Forest
10 Service. So it's a really diverse group of people. In
11 addition, we've had Staff, all the culture anthropologists have
12 been coming to the meetings and have been working on the
13 documents as support to them. But it has truly been a group
14 driven by this group, not necessarily by Staff.

15
16 The reason we were having some problems with the way
17 c&t is done is the current existing system, which I've just
18 passed around this sheet with the eight factors on it, this is
19 what we currently use are these eight factors. We do an
20 analysis. And the problem we have is that there's not always
21 information for each of the eight factors. There's -- it
22 sometimes has been difficult in some areas of the State, it
23 hasn't been true here, but if you get into communities where
24 maybe only 30 percent of the people are doing subsistence
25 hunting, then they're grappling with well, how do you decide
26 when a community has c&t because it is community based?
27 Another problem we've had and hasn't been -- well, we did have
28 this happen here when we talked about black bear. Do you
29 remember when we were trying to decide if the whole -- all of
30 the residents of Unit 22 should have c&t for black bear, even
31 though black bears didn't go in some of the areas around some
32 of the communities? So then the question became, well, what do
33 we do? Do those people have c&t or do they not? We had the
34 same issue with -- I guess it was just black bear, I was
35 thinking of last year. Up on the North Slope we had the same
36 question of, the Council wanted to give c&t for the whole of
37 Unit 26, everybody there c&t for sheep. And some of those
38 communities had absolutely no record, written or even in the
39 traditional information, did we have any record of people ever
40 having taken sheep and yet they wanted to make it a unified
41 c&t.

42
43 So as a result of some of these problems we were
44 having, it was decided we needed to have a good look at how we
45 do c&t. The paper that we wrote is, as I was saying this
46 morning, is a shortened version of the longer paper that is in
47 existence. This one is clearer. It's more to the point. The
48 other one was kind of convoluted and rambled a little bit. And
49 that's why this is what came to the Council and not the longer
50 one that was discussed earlier this morning. The reason we do

0101

1 c&t determinations at all is because Title VIII of ANILCA uses
2 customary and traditional use as one of the characteristics of
3 subsistence. It doesn't actually say, specifically, in ANILCA,
4 that you must do a customary and traditional use determination.
5 This was something that the State started doing and we adopted
6 from the State. They're the ones who came up with more or less
7 the original criteria. They're a little bit different, but
8 they're fairly similar. One of the things that we did
9 differently from the State is theirs were called -- we --
10 theirs were called criteria, ours are called factors, and we
11 tried to make it a little bit more flexible so that you didn't
12 have to meet every single one of them. Now, the State will go
13 through and they'll vote on each one of these eight, they call
14 them criteria and we've never done it that way. We don't go
15 through each one individually. There are people on this
16 working group and other people who feel that we shouldn't do
17 c&t determinations at all. That ANILCA doesn't require it.
18 That until there's a shortage of a resource, you don't need to
19 do a c&t determination. There are other people who disagree
20 with that.

21
22 The working group couldn't come up with a
23 recommendation or perhaps I should say, wouldn't come up with a
24 recommendation as to what we should do until they heard from
25 the Councils and that's why we've come to the Councils for your
26 opinion as to what needs to be done. So we were looking at the
27 question; should we even do c&t? Is there a need to do c&t?
28 And if we do do them, then how should we do them? What should
29 the focus be? And we also discussed, do you only need --
30 maybe perhaps you only need to do c&t when there's a resource
31 shortage and then you do it. There are lots of different ways
32 this could be done.

33
34 Now, what we did is we came up with a number of
35 options, and I've listed them so that they're really in short
36 summary over here on the wall. One of the options could be not
37 to do c&t at all. And these are also discussed in your book.
38 Another option could be to not change it at all. We can just
39 leave it the way it is with the eight factors. Another one
40 would be to do some kind of factors but to change the ones that
41 we have. And a modified suggestion was in the -- in your book
42 on Page 3. It has five factors, it's actually kind of a
43 combining of factors. Another option we talked about doing was
44 a Council recommendation option. And this would be where the
45 Regional Council would make a recommendation based on
46 traditional local knowledge and they would develop a set of
47 their own criteria factors. They could request analysis from
48 the Staff if they wanted to, they wouldn't have to. They -- it
49 would be a very, very flexible approach. Really empowering the
50 Councils to do things the way they might choose to do it. That

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1 was -- and what came out was each Council could come up with
2 their own way of doing it. It wouldn't have to be the same for
3 each Council. Another option that was suggested and this was
4 -- was to look at -- we created some maps and that's what the
5 other report had, you know, a whole series of maps to kind of
6 give you examples of this where you could say, everybody in
7 Unit 22 has c&t for caribou as well as all of the surrounding
8 units of Unit 22. So that you try to make sure that
9 everybody's covered. And another thought had been maybe saying
10 all the surrounding subunits. What we looked at when we saw
11 the different -- when we did different maps is that subunits
12 might not be a wide enough area. But of course, if you said,
13 all of the surrounding units, if you lived in Unit 26, it
14 becomes a very large portion of the State. The same thing with
15 some of the interior units, it becomes quite large. And so
16 then you have to say, well, is that too large? Do we really
17 want it to be all the surrounding units?

18
19 It would also mean that rural residents who are not
20 subsistence users, perhaps in logging camps or Prudhoe Bay, you
21 know, would be included, although you could probably make some
22 exceptions too. You could say, everybody in Unit 26 except for
23 those people who -- oil camps. You could have any other
24 options. This morning some other options were discussed by Mr.
25 Jack and those types of suggestions could be taken too. You
26 could combine things, meaning we could do kind of mixing and
27 matching of some of these options.

28
29 So what the Federal Subsistence Board is looking for is
30 a recommendation from the Councils. They'll be meeting in
31 November to look at all of the Council recommendations and then
32 they will be voting on it and making a decision in December.
33 The hope is is that we can kind of move forward with this.

34
35 One thing I should probably -- I probably shouldn't
36 have skipped over quite so quickly was, if you didn't have c&t
37 determination at all, what would happen? What would that mean?
38 It would mean that if there were a shortage of a resource, that
39 we would go into what is called Section .804 analysis from
40 ANILCA. And under an .804, only those rural residents who have
41 a customary and direct dependence on the population as the
42 mainstay of their livelihood or -- and who live close to the
43 resource and who have fewer other resources to use would be
44 able to hunt the resource. Those are the three criteria that
45 Congress did lay out in ANILCA. That if there were a shortage
46 of resources, then that would be how we would decide who would
47 get to take the resource.

48
49 Do you have any questions? It's a lot of material to
50 kind of digest rapidly. You should have all received this in

0103

1 August.

2
3 CHAIRMAN CROSS: We did.

4
5 MS. H. ARMSTRONG: Okay, good. And our hope was by
6 giving it to you in advance that we could -- you could have
7 some time to read it and digest it a little bit and think about
8 it. For those people who are new, I know this is a little bit
9 harder because you haven't had the opportunity to go through
10 c&t analysis. And this Council hasn't had the kinds of
11 problems some of the other Councils have. The Interior
12 Councils, especially. They still haven't gone through all of
13 their c&t analysis. They do a lot of them and it's quite
14 cumbersome. So if there was some -- there's some pretty strong
15 feelings around the State that we shouldn't be doing it the way
16 we've been doing it because of how cumbersome it's become.

17
18 MR. MENDENHALL: I believe when we went before the
19 State Fish and their c&t is if you exhibit one or two c&t, and
20 you know, rather than eight checkmarks.

21
22 MS. H. ARMSTRONG: You mean one or two out of the
23 eight?

24
25 MR. MENDENHALL: Well, at least two, you know, c&t to
26 be consider -- to consider that as customary and traditional.

27
28 MS. H. ARMSTRONG: Well, it might be.

29
30 MR. MENDENHALL: I mean that's my understanding because
31 I went before the Fish Board and tried to show that we had c&t
32 in some areas and they accepted it from that factor -- for
33 trading and, you know, trading of dry fish and stuff.

34
35 MS. H. ARMSTRONG: That could be.

36
37 MR. MENDENHALL: And for other things. Rather than
38 here you have to exhibit eight?

39
40 MS. H. ARMSTRONG: No, the Federal program doesn't
41 require you to exhibit eight. No, that's not true.

42
43 MR. MENDENHALL: But that's the way the paper is
44 pointed at. You know, it says.....

45
46 MS. H. ARMSTRONG: I know, what's ended up
47 happening.....

48
49 MR. MENDENHALL: Generally exhibit.

50

0104

1 MS. H. ARMSTRONG: Yeah, what's ended up happening is
2 that and this is where we've been criticized is that this is
3 what our regulations say, but this isn't what we've been doing.

4
5 MR. MENDENHALL: That's why I'm pointing that out.

6
7 MS. H. ARMSTRONG: Yeah. We have given c&t to
8 communities for resources who have never ever harvested them,
9 who can't meet any of the eight factors. And we've been
10 heavily criticized by the State program for doing that. How
11 can you give c&t when Wainwright's never gotten a sheep, ever.
12 And so -- and according to our solicitor, he gets phone calls
13 -- has gotten phone calls quite regularly about this, that, you
14 know, how can we be doing it this way. So you're right, this
15 is -- there's been a discrepancy between what we say we're
16 supposed to do and what the Board has actually done.

17
18 MR. MENDENHALL: I think that's a concern that I would
19 have if they're enforcing eight exhibits -- have that.

20
21 MS. DEGNAN: Madame Chair, I have a question. In terms
22 of the c&t, who makes the -- for the Federal Subsistence Board,
23 who makes the determination if -- within a region, and I'm just
24 talking about our own region, whether or not we'd meet the
25 criteria? Because who has the data for establishing because we
26 have local and traditional knowledge and then we have, what you
27 call legends and stories and our oral tradition that reference
28 all the animals and the uses.....

29
30 MS. H. ARMSTRONG: Uh-huh.

31
32 MS. DEGNAN:and how we are to relate to those
33 resources.

34
35 MS. H. ARMSTRONG:

36
37 MS. DEGNAN: So which would be considered the valid
38 source of information when it comes in terms for subsistence?

39
40 MS. H. ARMSTRONG: Do you mean how we're currently
41 doing it?

42
43 MS. DEGNAN: I mean which would prevail?

44
45 MS. H. ARMSTRONG: Well, when we do it right now --
46 when I do them, I try to look at everything. And so I think
47 the Board has listened to that. Especially if we have -- if we
48 don't have the information, but even in cases, I know of
49 examples on the North Slope where we had information that
50 people in Point Lay had never hunted sheep, ever, that -- but

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1 that there was nothing in the literature, they'd done mapping,
2 sheep was never discussed and then we went to the Regional
3 Council and they said, I know so and so and so and so, who hunt
4 sheep every year. And so the Board listened to that and they
5 gave them c&t because we had local knowledge that countered
6 what was in the literature. So I think the Board is -- does
7 listen very carefully to what the Regional Council is saying.
8 There are probably lots of examples that could be given where
9 the local knowledge has prevailed.

10
11 We do try to include as much as we can and to try to
12 balance it and provide all the information that's available to
13 us. And we really look to the Regional Councils to give us
14 that information, meaning, I don't have -- we don't have the
15 funds to be able to go out -- on every c&t issue to go out to
16 the villages and find out what's happening, so we look to the
17 people on the Councils to provide us with the information that
18 they can.

19
20 CHAIRMAN CROSS: Sandy.

21
22 MR. RABINOWITCH: Sandy Rabinowitch. I'll leave this
23 chair for Ida if you want to jump up here, too. I would add --
24 I know Helen explained kind of a long process and I feel like I
25 need to add just a teeny bit more and I realize that there's a
26 lot to grapple with here. But let me add that, what's
27 happening is that each of the 10 Councils are getting the same
28 presentation that you're getting. And we'll get all the
29 feedback and collect it together and then the Committee, which
30 Ida and I are two members of, will meet in November and look at
31 all the input from all the Councils. The group will then -- I
32 think the goal is to make a recommendation and that will then
33 go back to the full Federal Subsistence Board. The Board will
34 then either leave things the way they are or they'll propose
35 some kind of a change, and I won't try to speculate on what
36 that might be, it could be anything. If they propose to leave
37 things the way they are then you probably won't hear much more
38 about it other than a report back that they're just going to
39 leave them the way they are. If they propose a change, then
40 you'll see it come back to you again as a proposed regulatory
41 change. And it will, you know, be made public and anyone can
42 comment on it. But it would certainly come back through the
43 Councils if a regulatory change is sort of the chosen path.

44
45 So what I'm trying to point out is that it's a fairly
46 long process, this is just the very beginning. Really it's a
47 continuation. I know there's not time today, but there's been
48 lots of discussions about c&t in the Federal system over the
49 years, lots of meetings, lots of discussions and changes. And
50 actually changes to the norm, I think rather. I think change

0106

1 has been the norm. It's a difficult and complicated subject.
2 I would just add that the way that I've tried to think of this
3 is in two ways. I've tried to think that one view is that c&t
4 determinations are a benefit to the user because it provides a
5 protection to the subsistence user. And then the other way to
6 look at it, the exact opposite way; is that c&t determinations
7 cut out users and they hurt you. I won't try to tell you which
8 view I think is right or wrong, there's just two very different
9 views on whether they're a friend or an enemy. And we've tried
10 to caption that question in this little paper that's written
11 up. But our goal is to find out what you all think. I'll stop
12 there.

13

14 CHAIRMAN CROSS: Perry.

15

16 MR. MENDENHALL: Yeah, just like there was a Board of
17 Game meeting last spring on muskox. When I was growing up in
18 Nome, they said -- my grandmother taught me about muskox
19 hunting, if I ever see one you can shoot one if you want to and
20 if you don't -- you know, or you shouldn't shoot one because
21 they're mean son of a bitches when you wound them. And because
22 of that my grandmother was telling me how to hunt the muskox if
23 I want to. So that's oral tradition, you know, from when I
24 first was growing up, first carried a .22 around Nome, or
25 shotgun. If you ever run up against one, that's oral
26 tradition, that's customarily and traditional use. You were
27 saying -- in the back of her mind she said I would like to
28 taste muskox though, but the gold miners killed them all
29 before. That was the only drawbacks that she had, because they
30 never run away. But through grandmother I learned about
31 hunting muskox but I never had the opportunity to. But now we
32 got them all over Nome, you bump into them, you know, you can't
33 hunt them unless you have a permit. So that's oral tradition.

34

35 And I wanted this said because that's part of the c&t,
36 what we grew up with. Practice.

37

38 MS. HILDEBRAND: Ida Hildebrand, Staff Committee
39 Subsistence Board. I wanted to respond to your question about
40 which is preferred. Regardless of the efforts of the Federal
41 Board, scientific data still has preference and that's part of
42 the comments and the complaints from various Regional Councils.
43 And in interest, the Chairman of Federal Board, Mitch
44 Demientieff, when we came back to the Councils was not so much
45 to tell you what we do but to ask you what is wrong, in your
46 opinion, of what we do? What is happening in your respective
47 areas? How would you like to change that? Do you have any
48 ideas or suggestions of a better way? It doesn't have to be
49 anything based on what we've done in the past, but what is
50 relevant in this instance to the Seward Peninsula. And it

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1 doesn't mean that he'll agree with you 100 percent, but he
2 wants to know, what are the concerns of the people and the
3 users in this region.

4
5 MS. DEGNAN: I'd like to -- and I feel that it's very
6 important that the indigenous population be able to set the
7 standards and set the regulations for the type of cultural
8 harvesting of all the resources that have been made available
9 to them by the creator and they've sustained and followed those
10 rules and have been passed down through an oral and tribal
11 tradition. And this is one thing that all of the indigenous
12 users in this region understand, is that, in order to maintain
13 your indigenous wildlife population and the fish that come
14 back, you need to provide a safe habitat. There is no
15 degradation and there is no, what you call, abuse in the
16 harvest. You can harvest in season, and that is what is
17 understood by the indigenous subsistence users. And for anyone
18 else that uses subsistence within the region understands the
19 same principle. Is that in order to have sustained resources
20 you need to take your -- do your harvest in a very manner that
21 provides you and your family, your extended family and your
22 community. And when you talk to those subsistence users,
23 whether they're indigenous or resident, that they do not
24 understand the delineation between the State definition of
25 subsistence use or the Federal definition of subsistence use.
26 What they understand is what they can see out there and what
27 they can get. And the biggest factor is the availability of
28 the resource, how far away from it they are, and the seasons,
29 whether the seasons are conducive to production -- if there's
30 good production then you have a good harvest. So you have some
31 lean years and you have some full years. But at the same time,
32 the individual and the family subsistence users can only
33 harvest so much because they do not have the tradition of
34 waste. And that's the frustration that has been voiced to me
35 by people who don't show up to these hearings and that are
36 actually using the resources out there. And how best do you
37 get the knowledge to -- back -- flow back and forth is you've
38 got to have good communication lines and your best line is from
39 local councils, be they tribal or traditional councils. And to
40 understand the subsistence culture is you have to live it. And
41 you know that the vagaries of the weather will keep you from
42 your harvest you'll have -- sometimes you'll only have one fall
43 back resource and that resource may be a fish, whether you dry
44 it or it may be something that you catch through a six foot
45 hole of ice that you make in the winter for your breakfast.

46
47 MR. MENDENHALL: I'd like to, on this list that you
48 have there to insert something, that you exhibit some of the
49 following rather than having it, exhibit the following eight
50 factors; it be some of that eight factors.

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1 CHAIRMAN CROSS: The way I look at this issue, because
2 of the diversity in Alaska, we are such a huge state, what this
3 region would recommend would be perhaps not something that
4 would be applicable to Southeast Alaska. It seems that if
5 we're going to have some factors for customary and traditional
6 uses, then it should be decided within the regions that are
7 effected. We certainly don't hunt the same kind of game in
8 Nome, Alaska as they do in Ft. Yukon or Bristol Bay or some
9 other parts of Alaska. It seems more reasonable for me that
10 the actual users of certain games be the individuals who make
11 determinations that has then put a determination of customary
12 and traditional use within a given region instead of having one
13 standard for everybody in Alaska. Because I don't think that
14 would -- you know, the one standard may work very well in one
15 part of Alaska and it may not work very well in another part of
16 Alaska. For example, maybe North Slope Borough, some of this
17 might not be -- you know, some of these standards may not be
18 applicable to them versus they be -- it would do quite well in
19 Southeast Alaska.

20
21 MS. H. ARMSTRONG: So what you're suggesting is perhaps
22 is the Regional Council option, that it would vary from Council
23 to Council; is that what you're.....

24
25 CHAIRMAN CROSS: Uh-huh.

26
27 MR. MENDENHALL: That's why I wanted some of the eight
28 factors not all of them. That gives latitude toward each
29 Council to make that decision for c&t.

30
31 CHAIRMAN CROSS: Based on local traditional knowledge
32 and that each of the Councils develop their own.

33
34 MS. H. ARMSTRONG: Uh-huh.

35
36 MR. KATCHEAK: I have a question Madame Chair, I will
37 direct this question to Mr. Carl Jack. Earlier today or this
38 morning you spelled out some c&t determinations -- or
39 definitions, if I recall. Was that correct, you made some
40 recommendations?

41
42 MR. JACK: First of all, let me just say that we don't
43 think that the c&t should be done away with it. But perhaps to
44 maybe reorganize the criteria in a manner listing those that
45 may be critical to the local areas needs. And secondly,
46 perhaps streamlining or perhaps changing the regulatory
47 definition of customary and tradition.

48
49 As to when the c&t determinations would be made it
50 would seem to us that you would not have any subsistence

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1 regulation unless a c&t determination is made. And in absence
2 of those, it would seem to us that the sports regulations would
3 then apply. This thinking might be contrary to the three
4 criteria, this is under .804 under ANILCA as presented earlier.

5
6 The points that I brought out this morning were based
7 on RurAL Cap's comments that were made on December 9th, '91 in
8 response to the draft EIS that was issued at that time. And I
9 have submitted those to the recording lady, a summary of which
10 I can do the same. I may make a comment that leaving the c&t
11 determination to the Regional Councils may pose a legal
12 problem, to what extent, I think might probably require a legal
13 analysis.

14
15 Lastly, I would just like to follow-up on what Fran
16 said. And that is, when -- and I think when you further form
17 the basis for an area wide c&t determination for subsistence
18 priority and that is -- and I think this assertion may vary
19 from one region to another, and that is, the world view of the
20 Alaska Natives is somewhat different than the world view of the
21 Western society. Where the main focus of the Western society
22 may be based on what that person may accomplish; it's
23 individualized versus what I refer to as a communal system.
24 And I think some of that kind of spills into some of the way
25 that certain determinations are made. I don't know whether I
26 clearly stated that.

27
28 Thank you.

29
30 MR. KATCHEAK: Thank you, Mr. Carl Jack. The only
31 reason why I direct my question to you was I kind of forgot
32 what you said earlier and I wanted to get a reminder of what
33 you said earlier. Thank you.

34
35 MR. JACK: Yes.

36
37 CHAIRMAN CROSS: And you had made -- or when you were
38 reporting this morning, you had given three recommendations.
39 Can you recite those again?

40
41 MR. JACK: That was with respect to the procedural
42 aspects that this Council may proceed. And that is, I guess it
43 wasn't -- number one, our misunderstanding -- RurAL Cap, the
44 task force product has been withheld and urging you to get a
45 copy of that so that you'll have full understanding of what
46 that report is.

47
48 CHAIRMAN CROSS: I mean the three recommendations that
49 you have are no longer of much concern to you because the
50 answer is already -- we've already got the answer.

0110

1 MR. JACK: This is a summary of what it is.

2

3 MS. H. ARMSTRONG: No, but there was one that you made
4 this morning that I took interest in. That c&t done, not by
5 resource by resource, but on a use area, and that's something
6 that doesn't show up here. That's something you could do as a
7 Regional Council. But I thought that was actually an
8 interesting one that he provided.

9

10 MR. JACK: Yeah, that was a basis -- that was the gist
11 of the overall recommendation that I made that a c&t
12 determination be made on an area wide basis rather than species
13 by species. Because that's -- when -- when I look at people
14 from Kipnuk who want to hunt, they're not aware of whether
15 there is a c&t for a particular specie. If you have this idea
16 of the c&t determination that -- that's something that was
17 imposed by them -- to them by external forces. And that's what
18 they don't understand. I mean they just assume that what's out
19 there is what they can get, and that is partly the basis for
20 this area wide c&t determination rather than specie by species.

21

22 Now with respect to addressing a certain specie that
23 may have declined to the level where any further take of that
24 specie may result in further decline of that specie, I think
25 that those can be addressed in dealing with the management
26 functions. Where a certain policy calls can be made on those
27 management functions, meaning management functions including,
28 in part, the research, the allocation issues and the
29 regulations and enforcement; is how I term the management
30 functions to be. So if a certain specie within that area
31 declines to a level where any further take beyond the State
32 ability of the resource, then perhaps some restrictions in one
33 of the management functions can be applied. For example,
34 develop regulations where restricting the take or something
35 along that line and enforcing that regulation.

36

37 CHAIRMAN CROSS: I have another question for you. You
38 mentioned area wide. What is your definition of area wide? Is
39 that region by region, community by community?

40

41 MR. JACK: I guess this is something we have not really
42 thought about to the size of an area, is something I think
43 would need further analysis. But area wide, it may cover the
44 traditional hunting areas of a village. Because even within Y-
45 K Delta, we have -- say like in Kipnuk and Kway and K -- the
46 three K villages, I'm not talking about Klu Klux Klan. We have
47 clearly defined hunting areas.

48

49 MR. MENDENHALL: Boundaries.

50

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1 MR. JACK: Boundaries and we don't kind of venture into
2 the other people's hunting area. And this is practiced both in
3 trapping, both in hunting and even out in the sea. We have
4 clearly -- somewhat clearly defined marine mammal hunting
5 areas. And that's what I would mean in terms of area wide.

6
7 CHAIRMAN CROSS: So it's like traditional local
8 boundaries that's been practiced forever.

9
10 MS. DEGNAN: And that we have.

11
12 MR. MENDENHALL: There's unspoken rules around here
13 about where we go.

14
15 MR. JACK: Yes.

16
17 MR. BUCK: I'd like to say something Madame Chair about
18 the boundaries of White Mountain. White Mountain have areas
19 where they hunt and go out after crabs and all the other
20 subsistence animals, Golovin has different, Elim has different.
21 Even Solomon and Council. But there's no written on it. It's
22 just that it's understood without any conflict or anything.
23 But still there's crossing over in boundaries in case they
24 really -- it's all just customary and -- and also White
25 Mountain -- my relatives are from the White Mountain area. My
26 relatives traveled straight up Fish River and they went back
27 and forth to Galena and Kivalina. And so as a result all my
28 relatives are at Point Hope and that way. Whereas I don't have
29 very many relatives on the Golovin side which is just a couple
30 miles away but it's kind of -- but it's just customary and
31 traditional. It can vary in all the areas. It varies from
32 family to family.

33
34 I think this is a really complicated issue we're
35 talking about. It can get more complicated the more we look at
36 it.

37
38 MR. ENINGOWUK: Madame Chair. A good example of
39 customary and traditional use. I think long ago before our
40 time that our ancestors hunted caribou but they no longer
41 reside in 22(E), however, they predicted that the caribou would
42 come back. So we still have a customary traditional use of
43 caribou but we go outside of our own district to hunt caribou,
44 we go into Unit 23 and our people have been doing it for a long
45 time. But the caribou seem like they're starting to come back
46 but we're still -- you know, they're closer to home and they're
47 within -- close to Unit 22 but we still can't -- you know, we
48 follow the law and say there's no open season in Unit 22.
49 That's a good example of customary and traditional use where we
50 go outside our own territory, I don't know if it's legal or

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1 not, but it's been done for as long as I can remember. And it
2 may not be legal because we're not residents of Unit 23, but
3 our people still do it. So I don't know if I'm opening a can
4 of worms or what.

5
6 CHAIRMAN CROSS: Thank you.

7
8 MS. HILDEBRAND: Ida Hildebrand, Staff Committee
9 member. I'd like to respond to Johnson's comment because it's
10 been raised by other Council Chairs and other Council. And it
11 isn't -- you'll still remember as we discussed this, that Title
12 VIII applies to Natives and non-Natives. So although you may
13 speak of traditionally my family used this area, that's fine
14 for this Council to say this is the area we're talking about.
15 But if you were granted c&t based on that, anyone who lived in
16 that area would be able to use that area. I just wanted to
17 make sure that it isn't an option for the Council to exclude
18 people because they aren't Inupiat from that village.

19
20 MS. DEGNAN: Indigenous.

21
22 MS. HILDEBRAND: Or not indigenous. And the other
23 point is, you can still use the information that Johnson was
24 discussing. That his ancestors came from 22(E) and are now
25 using Unit 23 for caribou. In your discussion of how you would
26 do that, it would be your traditions were that these people
27 used this area and you would restrict it to the area within
28 your Regional Council unit. I mean the areas within your
29 Regional Council. So wherever Johnson's people were, the
30 people of this area could say they want c&t based on that
31 traditional use and the people from Western Interior would not
32 be able to come up there and say, oh, yeah, we did too. I mean
33 if they did they would have to come to some kind of agreement
34 with this Council. So it's recommendations of if you're
35 wanting to rely on your traditional uses or your traditional
36 use areas, you'd have to consider what Johnson is talking
37 about, that the areas shift over time and that perhaps that the
38 people were more nomadic, traveling with the animals, the
39 migratory animals. But remember that in the context of this is
40 the Seward Penn area.

41
42 MS. DEGNAN: Which includes all the residents that are
43 residing in the areas.....

44
45 MS. HILDEBRAND: Right.

46
47 MS. DEGNAN:as of this date rather than in 1492.

48
49 MS. HILDEBRAND: Right. Because today the regulations
50 are effecting the people that are residing here today. But it

0113

1 is a valid consideration to consider those kinds of traditions
2 like Johnson was discussing.

3
4 MS. DEGNAN: Under these rules?

5
6 MS. HILDEBRAND: Right. I just wanted to make sure
7 that I didn't mislead you into thinking that you can say, this
8 belongs to my family and not yours.

9
10 MR. MENDENHALL: We follow.

11
12 MS. DEGNAN: Madame Chair, what I'd like to say is that
13 my remarks are based on my experience and the traditional
14 knowledge passed down to me. And in terms of when we speak of
15 subsistence, I speak from a different world view than those who
16 made these rules. And what I think the bottom line is the
17 other indigenous subsistence users who are in the same boat
18 that I am in would like to get that world view validated by the
19 other group in the world. And I think that when we reach that
20 point in time, that we will have respect across all lines.

21
22 CHAIRMAN CROSS: I agree with you. I think once people
23 acknowledge that there were things that were already in place
24 traditionally that have always worked, and acknowledge these.
25 And base some of the new things to slide towards the way things
26 were, I think we would work much better with each other.

27
28 MR. MENDENHALL: We went to war over game so -- and
29 land and territory and that's the strongest c&t you could ever
30 find in our history. There was war even between villages, not
31 just regions.

32
33 CHAIRMAN CROSS: So I guess my question to you is, is
34 there a decision we need to make now regarding.....

35
36 MS. H. ARMSTRONG: Yes. A recommendation.

37
38 CHAIRMAN CROSS: A recommendation on.....

39
40 MS. H. ARMSTRONG: On what you would recommend to the
41 task force and they'll take your recommendation along with the
42 other nine Regional Councils and they'll come with a
43 recommendation to make to the Board.

44
45 CHAIRMAN CROSS: So what is the wishes of the Council?

46
47 MR. MENDENHALL: I would like to -- on that one that
48 she handed out, rather than on those eight factors, that some
49 of the eight factors be -- you know, in that first sentence.

50

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1 CHAIRMAN CROSS: So pretty much my understanding.....

2

3 MR. MENDENHALL: I'm trying to follow her document that
4 apparently the Federal people are using, the eight factors.
5 The first sentence, like a community or area must generally
6 exhibit some of the following eight factors. Because the way
7 it might -- with this turnover of Staff and other lawyers
8 coming in, you know, they'll take that and say you have to have
9 all eight.

10

11 MS. H. ARMSTRONG: Uh-huh.

12

13 MR. MENDENHALL: So you've got to have some latitude
14 between Councils even though area to area.

15

16 CHAIRMAN CROSS: So right now the eight factors are --
17 eight factor approach and Regional Council recommendation is
18 the way things are now?

19

20 MS. H. ARMSTRONG: Right. That's what -- this is
21 what's in regulation right now.

22

23 CHAIRMAN CROSS: Okay.

24

25 MS. H. ARMSTRONG: How we do it.

26

27 CHAIRMAN CROSS: But we have other things that we can
28 look at, beginning of Page 3, modified factor option with
29 revised factors consisting of five which are very similar to
30 the eight.

31

32 MS. H. ARMSTRONG: Uh-huh.

33

34 CHAIRMAN CROSS: And then there's another one which
35 there is not too much discussion written on it and it says,
36 Council recommendation option. Under this option the Regional
37 Councils would recommend c&t determination based on local
38 traditional knowledge from Council members or other residents
39 of a community or area. And then the Council would develop the
40 criteria or factors for recommendations of c&t determinations
41 and request analysis by the Staff. And then the Council would
42 make its recommendation to the Board for final decisions and
43 the Councils may vary in their approaches. So there was not
44 much discussion in that one.

45

46 And then the last -- well, not really the last one that
47 the Staff was unit and surrounding unit option. In this --
48 under this option c&t determinations would be based on the unit
49 of residency and would also include immediate surrounding
50 units. This option would be implemented immediately and would

0115

1 eliminate or significantly reduce Staff analysis. If
2 necessary, the area would be expanded to include traditional
3 use areas outside of the surrounding areas. Just what you were
4 talking about. This approach would include areas not used by
5 communities within the region. Also rural Alaskans who are not
6 subsistence users would be included, for example, loggers in
7 logging communities or military.

8
9 Or the last one would be either to suggest some other
10 options besides the ones that are written. Become inventive.

11
12 MS. DEGNAN: You know, like using the local tribal
13 groups to be the local experts for determining what the
14 customary and traditional uses are for in those subunits.

15
16 CHAIRMAN CROSS: Local tribal groups.

17
18 MR. ENINGOWUK: Madame Chair, being a new member on the
19 Council, I would kind of agree with what Mr. Jack said. That,
20 you know, I would request for more time to review c&t
21 determinations, go back home and see what the people say. But
22 that's my only feeling being a new member on the Council. I
23 don't know what the other -- but I believe that would be a good
24 recommendation, ask for more time.

25
26 CHAIRMAN CROSS: So right now the deadline is October
27 what, 23rd?

28
29 MR. MENDENHALL: 23rd.

30
31 MS. H. ARMSTRONG: That's for proposals. The deadline
32 would probably be -- we have to compile the comments made, but
33 probably.....

34
35 MR. RABINOWITCH: Mitch was trying to schedule a
36 November meeting.....

37
38 MS. H. ARMSTRONG: A November meeting.

39
40 MR. RABINOWITCH:for the work group.

41
42 MS. H. ARMSTRONG: So somewhere around the end of
43 October. I would caution in not making any recommendation,
44 that if it should happen that you're the only Council that
45 doesn't make a recommendation, then -- and all the other
46 Councils make a recommendation, then probably -- I mean you
47 could end up not having had a voice at all.

48
49 MS. DEGNAN: But by being silent you're endorsing the
50 current one?

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1 MS. H. ARMSTRONG: Perhaps. I think -- Sandy, I'm
2 sorry.

3
4 MR. RABINOWITCH: Well, I would just say that obviously
5 both Ida and I are here, and we're, you know, listening to all
6 your discussion. So I would think we would try -- what you
7 recommend or not is up to you, I think we would try to help
8 explain anything if it wasn't clear to the rest of the group.
9 The record indicates there was lot of discussion with the
10 questions and so on and so forth.

11
12 The choice is certainly yours. I think that if you
13 choose not to make a recommendation you certainly could
14 express, as you are doing, your concerns and questions and
15 such, and you know, we can make sure those are heard.

16
17 MR. MENDENHALL: The danger I see is locking ourselves
18 into something that we can't change later and it's going to be
19 hard to change if we don't take any action. But again, if we
20 make it too tight then it'd be tough to change. But I think we
21 need to take a position so that there's an attitude like from
22 Nome to Stebbins, Wales, there's variety there that could be
23 recognized. And I think somebody mentioned the Council
24 recommendation option on Page 3 my be the best option.

25
26 CHAIRMAN CROSS: And I was thinking, in terms of
27 Frances Degnan's concern, maybe in addition to -- you know,
28 under this option would recommend that c&t determination based
29 on local traditional knowledge from Council members, other
30 residents of the community, tribal groups or area. Add in
31 tribal groups. I really do think that we need to come up with
32 something because we might not have this opportunity then they
33 are -- the Federal Subsistence Board meets, and we don't put
34 any input in it and we might not have any opportunity to --
35 somebody else might come up with a recommendation that will
36 dictate to our region how things are going to be done. And
37 personally I believe, like I said, Alaska's so diverse, what
38 may work in Southeast Alaska because their game is different,
39 even their fish migration area is different, might not work in
40 this region.

41
42 It's kind of like in our chum situation in Nome, within
43 our own little region, we've got a problem with the chums in
44 Nome. Nome just don't get anymore chums. It's almost an
45 endangered specie, and we're trying to figure out how to
46 resolve our chum problem. But then when you go down the road
47 not too far from our area the chums are plentiful. It's just
48 something that's effecting Nome, the community, just an area,
49 just Nome itself that we're trying to resolve due to efforts of
50 our own little group. I kind of look at the fish and game

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1 issues that way and I think that to me the best option at this
2 point for recommendation would be the last one on Page 3. I
3 don't know about -- I think we should hear from everybody on
4 this. What do you think Toby.

5
6 I know you're new here, too, but we're trying to make a
7 customary and traditional use determination. And eventually
8 somebody's going to make a determination. I just personally
9 feel that our best option within the State of Alaska is to have
10 local areas make the determination. And I like what she said,
11 I would like to include though, tribal groups, in with this
12 statement.

13
14 MR. ANUNGAZUK: With the Wales area is that, like I'll
15 use moose for example, this new species started coming in in
16 the '40s and somewhere it should reflect that if species move
17 in it's most likely the village people will start hunting.
18 That's the way it is, the traditional way it is.

19
20 CHAIRMAN CROSS: Peter, you got anything to add to
21 this?

22
23 MR. BUCK: I think the customary and traditional issue
24 and the things we talk about gets really complicated the more
25 you look at it. Even in Nome, you have Yup'ik, you have people
26 from all over this area plus people from Anchorage and people
27 from the north. That complicates issues for Nome. Even in
28 White Mountain we have in White Mountain that are from Rocky
29 Point. We have people in White Mountain that are from
30 Naqlipuk. These were the old villages and then they moved the
31 school down to White Mountain and both of the villages went
32 together there, and you still have two -- you got Rocky Point
33 and you have the Fish River. And their issues, Rocky Points'
34 mainly deals with seal and stuff like that, where the inland
35 deals with the fishing and game animals. So even in our small
36 community there are issues you'd have to work them out with --
37 I'd have to work them out with my IRA council. I'd have to
38 work it out with, at least, the general assembly to get a good
39 customary and traditional definition.

40
41 So it's a complicated subject for me. So my
42 recommendation is to -- I'd like to go back to my village and
43 ask them what exactly they would want as a definition. They
44 probably would give me a better definition than I could because
45 I'd have more output from the village, especially from the
46 general assembly.

47
48 MR. SEETOT: I think within the last 10 years Kawerak
49 directed the local tribal council or requested that local use
50 areas be mapped, and I know for a fact that Brevig was one of

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1 those communities. I'm not too sure how extensive the other
2 communities mapped their traditional boundaries. But it pretty
3 much covered all the species and I think that would probably be
4 one of the best approaches.

5
6 What I know so far is maybe from the time I was born
7 until the present, but to another person that was there before
8 me, you know, local knowledge passed on from generation to
9 generation. And the opinion is different -- his or her opinion
10 is different than my opinion. But I think that the local
11 tribal recommendation, you know, be you know, part of the c&t
12 recommendations and then that would be one of my approaches.
13 It's to go back to the community and put the issue before them,
14 that's my recommendation pretty much.

15
16 CHAIRMAN CROSS: Fran.

17
18 MS. DEGNAN: I feel like Elmer that it should be the
19 local and the tribal group, the users, and the representatives
20 of the user group that are also probably the land owners in the
21 region that would have input.

22
23 CHAIRMAN CROSS: Ted.

24
25 MR. KATCHEAK: I go along with the Council
26 recommendation option and also add local -- traditional
27 boundaries.

28
29 CHAIRMAN CROSS: Traditional knowledge from Council
30 members, tribal groups or tribal.....

31
32 MR. BUCK: Tribal entities.

33
34 CHAIRMAN CROSS: Tribal entities. Perry.

35
36 MR. MENDENHALL: I would have to also concur with
37 tribal entities as much as ANCSA is also involved because of
38 the land holdings and the ownership given to each certain
39 village in which they have control over their fish and game
40 like we've been trying out with the chums. And Nome is a
41 melting pot from all the villages about, and we have many
42 people to draw from. Like (indiscernible) was a village, Sinuk
43 was a village, they moved and -- Cape Nome had a village, and
44 Salmon Lake had people up there, Kuzitrin. We had people move
45 in because of the schools. And I know that it was closed so
46 that people have to go to Shishmaref for Wales to go to school.
47 So there was a melting where we were grouped, kind of forced.
48 As I flew back yesterday, I said to the pilot, I said look at
49 all the Seward Penn from Deering all the way down, I said all
50 this -- all these places had names, canyons, rivers,

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1 everything, hills, and they were all over. They knew where
2 things were, gold, silver, fish, game, and they had their
3 boundaries too. And I said, our people knew the Seward
4 Peninsula and we shared and we traded. And the pilot, even
5 though he grew up here in Nome, he said, really, he didn't
6 realize that every one of these had Eskimo names and that
7 everything was named and all the seasons.

8
9 I feel that the Council recommendation option there
10 should include ANCSA people as well because they have land
11 holdings that tell them who gives out camp sites and fish
12 camps, that's what we do. We allow people to fish on our land.

13
14 CHAIRMAN CROSS: Is private entities going to cover
15 that?

16
17 MR. MENDENHALL: But ANCSA itself, too, is also
18 involved because it's mentioned in ANILCA. Because a lot of
19 the land selections are made based on traditional use.

20
21 CHAIRMAN CROSS: So your recommendation, I was asking
22 you would tribal entities cover that or do you want the
23 word.....

24
25 MR. MENDENHALL: No. ANCSA corporations because a lot
26 of the village selections were based on where their fish camps,
27 berries and like we picked areas where our people went fishing
28 and where.....

29
30 CHAIRMAN CROSS: So we're kind of looking for Federal
31 land issues.

32
33 MR. MENDENHALL: Yeah, I know that. But -- I realize
34 that. But it seems that ANCSA always tend to be left out when
35 we discuss tribal, and yet there's land ownership there and
36 it's also mentioned in ANILCA and on subsistence. And a lot of
37 the village corporations don't want ANILCA changed, you know,
38 because of the protection we got.

39
40 MR. ADKISSON: Madame Chair.

41
42 CHAIRMAN CROSS: Ken.

43
44 MR. ADKISSON: A comment.

45
46 CHAIRMAN CROSS: Can I come to you in a minute?

47
48 MR. ADKISSON: All right.

49
50 CHAIRMAN CROSS: I just want to have the Council finish

0120

1 their -- Johnson.

2

3 MR. ENINGOWUK: I like the idea of having the customary
4 and traditional determination. However, like I said, I think I
5 would like it to include areas that are not frequented by --
6 are not my area, like we go to 23, this customary and
7 traditional determination does include outside of our own unit.
8 I like the idea of customary and traditional use. But in
9 thinking about it it could also restrict -- it would be a
10 restriction to some of us that have lived in the village that
11 some day in the future we may -- like at the present time we
12 don't do it but in the future our kids might do it which would
13 deter them from hunting unless they follow the regulations of
14 the Federal government or State -- it would deter my
15 generation, my children from doing it just because I don't do
16 it or I never taught them to do it. It has its drawbacks. But
17 I still believe in customary and traditional use
18 determinations.

19

20 CHAIRMAN CROSS: Ken, you wanted to say something.

21

22 MR. ADKISSON: Yes, Ken Adkisson, National Park
23 Service. I'd just like to make a comment regarding c&t based
24 on now having gone to a couple of these meetings and listening
25 to the discussion. It seems like an awful lot of discussion
26 that comes from the Federal program, it seems to stress what do
27 you do if you have a resource shortage, there's not enough to
28 go around. And I'd just like to point out that it's my belief
29 anyway, that ANILCA provides other forms of protection and
30 advantage to subsistence users. And this might be in the form,
31 for example, of how do you deal with the situation where you
32 don't have a biological problem but you have a user conflict
33 problem, maybe you know, there's plenty of animals to go around
34 but for some reason you have people moving into an area and you
35 have user conflicts. The other thing is the advantage
36 sometimes of recognizing customary and traditional practices
37 regarding aspects such as methods and means, timing of harvest,
38 things like that that. You know, clearly for example the
39 subsistence practices may differ from say sport hunting
40 practices and a way to separate some of these things out in the
41 harvest. And I just want to, you know, make that -- put that
42 out there for people to consider as an advantage to maintaining
43 the c&t. Of course, you know, how you actually make that c&t
44 determination, you know, you know, you folks are providing the
45 input in and I'd just like to point that out, that there are
46 other reasons perhaps for supporting the general concept of c&t
47 other than simply a resource shortage.

48

49 MR. KATCHEAK: Madame Chair, I have a question then and
50 I guess anyone can answer from the Staff. And my question is,

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1 my recommendation on Council recommendation option would
2 complicate, if I -- if we add boundary -- traditional boundary
3 because there's a proposal or regulation now for caribou for
4 Hooper Bay, Chevik and Scammon Bay, I believe. And they go
5 beyond on their traditional boundary. I'm wondering if adding
6 traditional boundaries would complicate that regulation?

7
8 CHAIRMAN CROSS: Ida.

9
10 MS. HILDEBRAND: I'd like to respond to that and I'm
11 not the only one who can respond to this. But -- excuse me,
12 this is Ida Hildebrand, Staff Committee member. You can make
13 any recommendation that you feel is pertinent to this Council.
14 If it interferes with, say, Western Interior, that will come
15 out in the wash. We're mostly interested in what you're
16 talking about; the customary and traditional uses in this area.
17 Some other area may well overlap into yours. But those
18 boundaries can be addressed at a later point when you're
19 overlapping Regional Council areas. Perhaps at some point they
20 would discuss changing those Regional Council boundaries.

21
22 But the main concern is do you want to continue with
23 c&t? If you do want to continue, how do you want to do it? If
24 you want to say you have a problem with that, crossing
25 boundaries or wish to -- wish to cross boundaries, that's your
26 choice.

27
28 CHAIRMAN CROSS: Helen.

29
30 MS. H. ARMSTRONG: Helen Armstrong, Fish and Wildlife
31 Service. I just wanted to just add to what Ida said, you
32 wouldn't have to put into your recommendation now how you would
33 do it. You could support the Regional Council option and then
34 in -- supposing it goes through, that does become the way we do
35 c&t. Is each Council recommends it for themselves. This
36 Council could choose to do it based on tribal entity
37 boundaries, whereas maybe in Southcentral they wouldn't do it
38 that way because they have more mixtures of different users.
39 That could be something you could apply later on.

40
41 CHAIRMAN CROSS: I would still feel more comfortable
42 adding the words, tribal entities, including those created
43 under ANCSA. Would that satisfy.....

44
45 MR. MENDENHALL: Uh-huh.

46
47 CHAIRMAN CROSS: Because I feel strongly about tribal
48 control of our resources.

49
50 MS. H. ARMSTRONG: Uh-huh.

0122

1 CHAIRMAN CROSS: My feeling is, and correct me if I'm
2 wrong, we are moving towards the Council recommendation option
3 with addition? The Regional Councils would recommend c&t
4 determination based on local traditional knowledge from Council
5 members, other residents of the community, tribal entities,
6 including those created under ANCSA. And I don't know what
7 area that's -- I guess we could just add residents of the
8 community or area, tribal entities, including those created
9 under ANCSA, period.

10
11 MR. MENDENHALL: Uh-huh.

12
13 CHAIRMAN CROSS: The Council would develop criteria
14 factors for the recommendation, et cetera, et cetera. Am I
15 correct in this?

16
17 MS. DEGNAN: Uh-huh.

18
19 CHAIRMAN CROSS: Do the rest of the Council members
20 feel comfortable about it?

21
22 MR. KATCHEAK: Madame Chair, I'd like to make a motion
23 to that effect to adopt.

24
25 MR. MENDENHALL: Second.

26
27 CHAIRMAN CROSS: Question?

28
29 MR. MENDENHALL: Question.

30
31 CHAIRMAN CROSS: Ted had made a motion that we make
32 this recommendation, Council recommendation option, with the
33 words added to it that I have recited earlier. Seconded by
34 Perry. Question has been called. All those in favor signify
35 by saying aye.

36
37 IN UNISON: Aye.

38
39 CHAIRMAN CROSS: All those opposed same sign.

40
41 (No opposing votes)

42
43 CHAIRMAN CROSS: Motion passes.

44
45 MS. H. ARMSTRONG: Thank you.

46
47 CHAIRMAN CROSS: So that -- and now we are running
48 short on time.

49
50 UNIDENTIFIED VOICE: We are out of time.

0123

1 CHAIRMAN CROSS: We are out of time but there are some
2 agency reports. I don't know if Ken Adkisson has anything more
3 to add or have we pretty much handled your muskox.
4

5 MR. ADKISSON: Madame Chair, you've got copies of the
6 report and everything. So you can read it at your leisure.
7 The reporter has a copy of it. The material likely -- the
8 division of the permits is part of your packets. I don't think
9 we need to go over it.
10

11 CHAIRMAN CROSS: And we took action for the issue you
12 were bringing up. And BLM was Norm Messenger, is he here?
13

14 MR. MESSENGER: Yes, I'm here. My name is Norm
15 Messenger, I'm with the Bureau of Land Management. I'm
16 stationed here in Nome. And I have been asked to sit with the
17 Council for awhile and discuss activity reports by the BLM.
18 And what I intend to do is very briefly and rapidly read
19 portions of a report written by Jeff Denton and to do some
20 additions and modifications and perhaps corrections. And with
21 the Council's approval, I'll go ahead in that effort. Okay,
22 thank you.
23

24 I'm quoting partially from the memo written to Cliff
25 Edenshaw from Jeff Denton, Anchorage BLM office. The title of
26 the memo is BLM summary activity report since the spring 1998
27 Council meeting. BLM has had personnel involved in the
28 subsistence program leave the agency. And Ann Morkill a
29 biologist at the northern field office has taken a position
30 with Fish and Wildlife Service, the Arctic National Wildlife
31 Refuge. And representatives of the northwest area and the
32 northern field offices have temporarily replaced Ann's
33 functions. The Bureau of Land Management in Fairbanks has made
34 it a priority to fill Ann's position as rapidly as possible
35 with a full performance wildlife biologist stationed in Nome
36 and that individual would assume many of the duties that Ann
37 has been successfully fulfilling for the last number of years.
38

39 As for the Anchorage field office I will not be able to
40 attend, speaking as Jeff Denton, I will not be able to attend
41 the Seward Penn meeting this September as I have other higher
42 priority meeting commitments at the same time. The following
43 however is an update of what BLM has been doing in the
44 Anchorage Field Office, BLM lands since the last meeting. The
45 first item is a ground truthing effort for satellite land cover
46 map for 11 million acres, including the southern portion of
47 Nulato Hills, entire Unalakleet drainage, Yukon, Innoko
48 Bottoms, Anvik/Bonasilla Rivers and portions of the Innoko
49 National Wildlife Refuge and Yukon National Wildlife Refuge
50 completed this summer in a partnership with Ducks Unlimited.

0124

1 The northern Nulato Hills is scheduled for the summer of '99.
2 This is an effort that will eventually cover the entire state.

3
4 The second bullet. As of this writing, we are still
5 waiting for the last eight months of subsistence harvest
6 reports for Unalakleet. Analysis and summary are unavailable
7 at this time. An annual report and summary of harvest reports
8 for the period for which harvest data has been collected will
9 be provided to the Council when the data is received and time
10 allows for the write up to be completed. This will be done
11 before the winter Council meeting. This is a commitment that
12 Jeff has made.

13
14 BLM conducted brown bear productivity and monitoring
15 surveys in spring and mid summer of the region including the
16 Unalakleet drainage and other areas in the region.

17
18 BLM and USGS has maintained a gauging station on the
19 Unalakleet River to measure water flows as required by the
20 State of Alaska. This requires the minimum of 10 years of
21 stream flow monitoring.

22
23 Alaska Department of Fish and Game and BLM and Native
24 associations attempted to coordinate a fish counting tower/weir
25 in the North River as was done in the past year. High flows
26 damaged facilities and the efforts had limited success.

27
28 BLM conducted migratory and neotropical bird banding
29 and breeding surveys along the wild and scenic portion of the
30 Unalakleet River.

31
32 BLM did maintenance and repair on the safety cabins
33 along the Iditarod trail.

34
35 As far as BLM products in the balance of the region,
36 unfortunately I'm not very well versed to tell you what Ann has
37 been doing for the last year. I know that they have done moose
38 surveys census -- survey or censuses in the vicinity of the
39 Slough River up by the Kotzebue and in the vicinity of Selawik,
40 but I don't know much more about it than that. I know that
41 Ann's priorities have been changed working on the National
42 Petroleum Reserve Environment Assessment in the vicinity of
43 Colville River.

44
45 Other than that, the big news on the BLM front is our
46 personnel management issues. Perhaps some of you have heard
47 that BLM State Director Tom Allen has announced his retirement
48 for some time this winter so I would expect that a new State
49 director will be available to serve on the Board sometime by
50 mid-1999. I would certainly hope so anyway. The other big

0125

1 piece of news that may effect the Council is before the State
2 Director leaves -- in fact, he's trying to get approval to
3 announce the new northern field officer director, the person
4 that would take the position that Dee Richie held. And he has
5 announced just this -- just yesterday afternoon that there was
6 a new associate field office manager to be seated in Fairbanks.
7 He'll take the place that Dick Ballas has held for the last
8 couple of years. The individual's name is William Freeman.
9 He's with -- or used to be with the Department of Energy in Las
10 Vegas, Nevada. Don't know much more about him than that.

11
12 With that, I'll go ahead and wrap up my comments and
13 entertain any questions. I would hope that I could help you
14 with any information you may need.

15
16 CHAIRMAN CROSS: Any questions for Mr. Messenger? Is
17 it Messenger?

18
19 MR. MESSENGER: Yes, that's correct.

20
21 CHAIRMAN CROSS: Well, I thank you. It looks like we
22 don't have any questions.

23
24 MR. MESSENGER: Okay, thank you.

25
26 CHAIRMAN CROSS: Alaska Department of Fish and Game. I
27 have Kate Persons, Charlie Lean and Susan Georgette.

28
29 MS. PERSONS: I think Cliff passed out a handout to you
30 earlier that describes our assessment of population status in
31 Unit 22. I'm not going to take your time right now to go
32 through it. But I'd just encourage you to read it and if you
33 guys have any concerns or the people that you represent back in
34 the villages, please, contact me. You can reach me anytime at
35 Fish and Game and I'd be glad to talk to you about any concerns
36 that you have.

37
38 CHAIRMAN CROSS: And your telephone number?

39
40 MS. PERSONS: 1-800-560-2271 if you're out of town.

41
42 CHAIRMAN CROSS: 560-22.....

43
44 MS. PERSONS: 71.

45
46 CHAIRMAN CROSS: 2271.

47
48 MS. PERSONS: And in town is 443-2271.

49
50 CHAIRMAN CROSS: Thank you.

1 MS. PERSONS: But in general, we've had three easy
2 winters and things are looking pretty good with most of the
3 wildlife. Some of the moose populations are still depressed
4 from some hard winters in the early '90s, but after three easy
5 winters, there aren't too many immediate concerns.

6
7 MS. GEORGETTE: Mine's very brief, too. My name is
8 Susan Georgette. I work with the Subsistence Division of the
9 Fish and Game Department. And we do research projects related
10 to fishing and hunting. And these days, most of the projects
11 we work on are in conjunction with Kawerak or Maniileq in the
12 Kotzebue area. I was just going to mention that we're starting
13 our annual subsistence salmon surveys next week throughout
14 Norton Sound and Kotzebue Sound, and last year that information
15 was used by the advisory committee in the area to raise the
16 subsistence need for salmon in this region by several tens of
17 thousands of fish. And so I know it's kind of an inconvenience
18 sometimes for people to respond to these surveys, but they
19 really do help protect people's subsistence uses, I think.

20
21 The other thing I was going to mention was that we did
22 some work with Kawerak last year on seal and sea lion harvest
23 in some villages and we just got this report real recently.
24 And this covers Brevig and Stebbins, Golovin, Gambell and
25 Savoonga and Shaktoolik, so I'll just leave this here if anyone
26 wants one of these, they're welcome, it has some interesting
27 information.

28
29 And finally, we're taking with Kawerak this year about
30 maybe some work on a caribou harvest in some villages in the
31 region. Because it's one place where we don't really have much
32 information really about how much people get and where and
33 their observations of caribou. And there's kind of a lot right
34 now and we thought it'd be a good time to talk to people about
35 it. So we'll work with Jake and Caleb on that more later this
36 year.

37
38 Thank you.

39
40 CHAIRMAN CROSS: Thank you. Charlie.

41
42 MR. LEAN: Thank you. I'll be brief as well. My
43 name's Charles Lean and I'm with the Division of Commercial
44 Fisheries, Alaska Department of Fish and Game. I manage the
45 Kotzebue and Norton Sound Commercial and Subsistence Fisheries
46 for the State. I brought a report. I won't go through it in
47 great detail. It's titled, report on the failure of Western
48 Alaska chum salmon -- or salmon runs, all salmon and the link
49 to ocean and climatic changes. And there's several bullets,
50 I'll list them very briefly.

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1 Changing climate and ocean conditions have played a
2 critically important role in the reduced production of Western
3 Alaska salmon by effecting the survival from early fresh water
4 and marine life stages through the adult stage at sea. And
5 they're referring specifically to El Nino, the warming trend
6 that we've seen in recent years. And also the effects of this
7 warm sea, coccolithophores -- how's that for a big word,
8 bluegreen algae. I've noticed some of these blooms, even in
9 Imuruk Basin, just north of Nome here, bright colored water has
10 a tendency to consume all the oxygen in the water and kill
11 fish. So even Norton Sound is subject to these warming trends.
12

13 The extremely low returns of chum, chinook and sockeye
14 salmon have occurred in '97 and '98 and in here are -- is
15 documentation of just how poor the runs have been. The weak
16 salmon runs through Western Alaska we feel are due to reduced
17 return per spawner and not the result of low levels of
18 escapement, and that's a point that's been debated quite a lot.
19 This is the official Department standard. Other indicators
20 also point to marine stresses as a causal factor for salmon
21 survival. In the last two years salmon were smaller than
22 usual, arrived late, migratory pathways have changed from
23 previous years and there is evidence of higher rates of
24 parasitism and predation due to the fact that the fish are
25 stressed. Fish under stress are less vigorous and more
26 vulnerable to predation and parasitism. And so taken together,
27 these indicators underscore the fundamental role of the marine
28 environment on reduced Western Alaska chum -- I keep saying
29 that -- Western Alaska salmon production in the last two years.
30

31 There's graphs and if you're a graph person they're
32 interesting. It shows historic trends and weather events and
33 things like that. It's on the table, please take one.
34

35 I'd also like to extend an invitation to any of you who
36 are -- we're having our advisory committee meeting tomorrow
37 night at the Nome grade school. That's the Northern Norton
38 Sound Advisory Committee. I believe there's one being setup in
39 Unalakleet for the Southern Norton Sound. I don't know that
40 the date's hard and fast yet, but I suspect it will be the
41 first week of October or so. There are six proposals for
42 fisheries management revolving around herring and crab issues.
43 And I'd be glad to talk with anyone about that after this
44 meeting. I don't know that it relates directly to Federal
45 management in the near future, but these are the sorts of
46 issues that we will all be cooperating with in the future it
47 looks like.
48

49 So thank you for your time.
50

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1 CHAIRMAN CROSS: What time is that meeting tomorrow?

2

3 MR. LEAN: Tomorrow evening at 7:00.

4

5 CHAIRMAN CROSS: 7:00. Okay, thank you. And because
6 our guests, their jet time is getting close, let's go to the
7 calendar immediately for the establish time and place of the
8 next meeting, Tab J. Cliff.

9

10 MR. ENINGOWUK: For those of us who left jobs at home,
11 could you make the meeting on a weekend so that we don't lose
12 wages because we're volunteering our time to be at these
13 meetings. I would recommend that we choose a weekend.

14

15 CHAIRMAN CROSS: I agree.

16

17 MR. ENINGOWUK: Of course I think it doesn't work too
18 well with the people that work -- I don't know if you guys get
19 paid overtime for a weekend, but I would request that we work
20 on the weekday in the village, and as volunteers we should have
21 the meetings on the weekends.

22

23 CHAIRMAN CROSS: I agree with you.

24

25 MR. EDENSHAW: Madame Chair, this last meeting was
26 intended -- was scheduled for the weekend, but they asked that
27 it be bumped up in regards to that migratory bird meeting and
28 that sort of.....

29

30 CHAIRMAN CROSS: That was kind of like a request from
31 Kawerak Resource Committee, wasn't it? So normally you have --
32 it looks pretty much like we have an open meeting calendar, is
33 that what this is?

34

35 MR. EDENSHAW: Yeah. What I forgot to do is -- well,
36 maybe Helen, let me know when North Slope set their meeting
37 for, so that we -- we have one that's already been taken care
38 of that we don't want those two ladies to have conflict with.

39

40 COURT REPORTER: It's the 23rd, the first week of the
41 window.

42

43 MR. EDENSHAW: The 23rd, on a Tuesday.

44

45 MS. H. ARMSTRONG: Yes.

46

47 MR. EDENSHAW: Okay. So the North Slope is going to
48 meet February 23rd. So those are the -- it can't be that week
49 because they'll be up in Barrow. But that weekend though.

50

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1 CHAIRMAN CROSS: It's kind of like the wishes of the
2 rest of the Council that we schedule this meeting through the
3 weekend.

4
5 MS. DEGNAN: Where will it be held?

6
7 CHAIRMAN CROSS: Well, that's what we got to determine,
8 too. Should we determine the place first?

9
10 MR. KATCHEAK: Madame Chair, I was going to recommend
11 to the Council if we could have our meeting in one of the
12 villages. I know it's kind of hard for our coordinators to
13 schedule a meeting in the villages, but I'm thinking we could
14 tough it out a little this year or next year. And we could
15 hold it in Brevig Mission, for example or -- that's my
16 suggestion.

17
18 MS. H. ARMSTRONG: Madame Chair, the only thing you
19 need to take consideration of and whoever -- wherever we have
20 the meeting is whether or not there is actual travel on
21 Saturday or Sunday because otherwise we'll end up extending the
22 meeting longer. It will be more costly. And then people will
23 end up traveling on their work day anyway. That's one of the
24 reasons why we've avoided weekend meetings because in a lot of
25 areas, people -- if the meeting's on Saturday they can't go
26 back until Monday anyway and so people have chosen not to do it
27 that way, in a lot of the regions. So I'm just saying, make
28 sure there's travel available.

29
30 CHAIRMAN CROSS: I consistently travel and every
31 village is traveled to seven days a week.

32
33 MS. H. ARMSTRONG: Okay. That's not true state wide.
34 I'm just saying that needs to be considered.

35
36 MR. ENINGOWUK: I might say that the month of March is
37 also a month that village travel is going to be hard to get to.
38 Just because it's March.

39
40 CHAIRMAN CROSS: And we got to take into consideration
41 that we might not have any room in Nome, Alaska, like we didn't
42 have any rooms last year because of the Iditarod for the month
43 of March. There was just no hotels for us -- to accommodate us
44 here. So maybe we should -- my suggestion would be to look at
45 Unalakleet maybe unless there's a lot of people.....

46
47 MS. DEGNAN: They're usually filled up if it's
48 Iditarod.

49
50 CHAIRMAN CROSS: See that's our problem, we ended up

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1 having to meet in Anchorage last year and I felt badly about
2 that because we met outside our region. It might be something
3 that the Staff should start considering when they're -- maybe
4 Nome should -- maybe this region should be the first one to
5 select a date because it's going to be a problem finding --
6 especially if we're going to have meetings in Nome. There's
7 just too many -- we have too many tourists that come in and
8 that blocks any rooms.

9
10 MS. H. ARMSTRONG: The problem we had last year was
11 nobody could get to Unalakleet, that's why we had it in
12 Anchorage. It was scheduled for Unalakleet. And that's been a
13 problem we've had with winter meetings in villages.

14
15 MS. DEGNAN: It's very stormy.

16
17 MS. H. ARMSTRONG: Yes. It's been a problem every year
18 in this region where we've had that problem.

19
20 MS. DEWHURST: That's where it's almost better, if
21 you're going to have it in the village, to have your fall
22 meeting in the village.

23
24 MS. DEGNAN: Right.

25
26 MS. H. ARMSTRONG: Right.

27
28 MS. DEWHURST: And have your winter meeting in a hub.

29
30 MS. DEGNAN: Right.

31
32 MR. KATCHEAK: Last year in March, I believe, there
33 were three of us that made it to Unalakleet and we got to see
34 the iron snowmachine racers -- or the iron dog racers.

35
36 CHAIRMAN CROSS: So maybe we should look at Nome and
37 immediately make reservations for hotel rooms. It seems that
38 the first part of March would probably be better than the next
39 two weeks where we'll have more chances of -- there's not that
40 many tourists. So if we're looking at kind of towards the
41 weekend, maybe we can miss one day of work like on a Friday,
42 March 5th, maybe.

43
44 MS. DEGNAN: You're looking at Nome?

45
46 CHAIRMAN CROSS: Yeah, March 5th, Nome.

47
48 MS. DEGNAN: But if it's early, then Unalakleet would
49 be available.

50

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1 CHAIRMAN CROSS: We've had a lot of problems trying to
2 get there. I think her suggestion is good. That if we are
3 going to schedule a village meeting we should always do our
4 fall meeting in the village and the winter meeting where
5 everybody can get to one place. Our problem last year was
6 there was some people stuck in Nome trying to get to Unalakleet
7 and some couldn't get out of the villages so we didn't even
8 have a quorum.

9
10 MS. DEGNAN: Uh-huh.

11
12 CHAIRMAN CROSS: We were going to have a meeting --
13 some of us got there, some of us didn't. And by the time we
14 got to Nome, there was no room for us, we ended up having the
15 meeting in Anchorage.

16
17 MS. DEGNAN: Well, it's closer to all of these guys for
18 here.

19
20 MR. MENDENHALL: How about Hawaii.

21
22 CHAIRMAN CROSS: So what do you think of March 5th in
23 Nome?

24
25 MR. SEETOT: I don't think you'll have very much
26 activity, you know, before the start of.....

27
28 CHAIRMAN CROSS: But it's imperative that the Staff
29 make reservations for hotel rooms and a place to meet. You've
30 heard my comment?

31
32 MS. H. ARMSTRONG: Yes, I did.

33
34 CHAIRMAN CROSS: Okay. So it looks like March 5th here
35 in Nome.

36
37 MR. MENDENHALL: This is usually the Iditarod
38 Headquarters, too.

39
40 CHAIRMAN CROSS: So you might be looking at another --
41 this is going to be -- we can't meet in this building. But
42 there's Nome Eskimo Community and there's other places.

43
44 MS. H. ARMSTRONG: Okay.

45
46 CHAIRMAN CROSS: Okay. March 5th in Nome, we'll meet
47 -- will be our next meeting. I guess that's it unless anybody
48 has any comments to say.

49
50 MS. DEGNAN: Madame Chair, I'd like to -- did the

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1 Council send letters to their outgoing members, the ones that
2 are.....

3
4 CHAIRMAN CROSS: They have in the past, yeah.

5
6 MR. BRELSFORD: Madame Chair, it is the practice of the
7 Board to send a certificate of appreciation to outgoing members
8 and that has been done for your region as well.

9
10 CHAIRMAN CROSS: Okay, thank you. Are there any
11 comments from the public? I thank the public for coming.

12
13 MR. MENDENHALL: Where are they?

14
15 CHAIRMAN CROSS: We lost most of them. There's the guy
16 from Rural Cap, Mr. Jack. Thank you for coming. Any comments
17 from the Staff or the Council? Well, then I'll say, I'll see
18 you again in March or earlier. Have a good trip back.

19
20 MR. BUCK: Motion to adjourn.

21
22 MS. DEGNAN: Second.

23
24 CHAIRMAN CROSS: Motion for adjournment, seconded by
25 Frances. All those in favor signify by saying aye.

26
27 IN UNISON: Aye.

28
29 CHAIRMAN CROSS: All those opposed.

30
31 (No opposing votes)

32
33 CHAIRMAN CROSS: Meeting is adjourned.

34
35 (END OF PROCEEDINGS)
36 * * * * *

C E R T I F I C A T E

UNITED STATES OF AMERICA)

) ss.

STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through contain a full, true and correct Transcript of the Seward Peninsula Regional Subsistence Advisory Council meeting taken electronically by me on the 23rd day of September 1998, beginning at the hour of 9:00 o'clock a.m. at the Nome Mini Convention Center, Nome, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 29th day of September 1998.

Notary Public in and for Alaska
My Commission Expires: 9/5/02